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Review Application No.137 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

Review Application No.137 of 2024

Erode Cooperative Building Society Ltd.

Rep. by its Secretary

No.AA, 182, K.N.K. Road

Thirunagar Colony, Erode 3

.. Petitioner

Vs

1.T.Vanitha

2.The Sub Registrar

O/o.The Sub Registrar

Pallipalayam, Erode District

.. Respondents

Review Application filed under Section 114 CPC seeking to review the order dated 01.07.2024 passed by this Court in W.P.No.17319 of 2024.

For Petitioner : Mr.K.Premkumar

For R1 : Mr.S.Arivazhagan

For R2 : Mr.B.Vijay
Additional Government Pleader



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ORDER

This Review Application has been filed seeking to review the order of this Court dated 01.07.2024 passed in W.P.No.17319 of 2024.

2. It is the contention of the review petitioner (who is a 3rd party in the writ petition, after obtaining leave from this Court, has filed this review application) that the suit in O.S.No.690 of 2004 filed by the vendors against him was dismissed by the learned District Munsif, Tiruchengode on 14.11.2013, holding that they have no right, as against which, the appeal suit in A.S.SR.No.1975 of 2014 preferred by the vendors, is still pending on the file of the Sub Court, Tiruchengode. However, suppressing these facts, the 1st respondent had filed W.P.No.17319 of 2024 and based on the order passed in the said writ petition, sale deed has been registered. Hence, the review petitioner seeks to review the said order.

3. At the outset, this Court is of the view that if really, as contended by the review petitioner, there is suppression of facts and the civil Court had already decided that the vendors of the writ petitioner have no right in the suit property and if that finding reaches finality in the pending appeal suit in S.R.



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stage before the Sub Court, Tiruchengode, any transfer made in favour of the 1st respondent herein, viz., the writ petitioner, will not convey any title to him.

4. In such view of the matter, mere registration of the Sale Deed will not convey any title, unless the title has been established in favour of the writ petitioner.

5. With the above observation, this review application stands closed. It is also made clear that in view of the fact that the appeal suit is pending, the purchaser shall not make any further alienation or take any forcible possession. All the rights will have to be decided only in the appeal suit. No costs. Connected W.M.P. is closed.

02.08.2024

vrc

Index : Yes/No

Neutral Citation : Yes/No

To

The Sub Registrar

O/o.The Sub Registrar

Pallipalayam, Erode District



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N.SATHISH KUMAR, J.

VIC

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