



C.R.P(MD).No.668 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.668 of 2024

Sri Paramanandha Swamigal Madathipathi,
Madurai Sri Paramanandha Swamigal Madam,
No.33/7, Aruppukottai National Highways Road,
Villapuram,
Madurai - 625 012.

... Petitioner / 1st Respondent

Vs

1.J.Raja

2.C.Kulanthaivel

... 1 and 2 respondents / Petitioners
/ 3rd Party

3.M.Mahes Babu

4.V.Karthikeyan

5.R.Raja @ Ravichandran

... 3 to 5 Respondents / 2 to 4 respondents
/ 1 to 3 Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the
Constitution of India, to set aside the order passed in fair and decreetal



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order in I.A.No.1 of 2023 in Trust O.P.No.30 of 2023 dated 06.01.2024 on the file of the Principal District Judge, Madurai, to dismiss the said application by allowing the Civil Revision Petition.

For Petitioner : Mr.T.R.Subramanian

ORDER

This Civil Revision Petition is filed to set aside the order passed in fair and decreetal order in I.A.No.1 of 2023 in Trust O.P.No.30 of 2023 dated 06.01.2024 on the file of the Principal District Judge, Madurai, to dismiss the said application by allowing the Civil Revision Petition.

2. The facts in brief is that Trust O.P.No.30 of 2023 was filed by the trustees seeking permission of the Court to sell the property. That application was filed under Section 34 of Indian Trust Act. Pending the proceedings, the third party namely respondents 1 and 2 herein filed I.A.No.1 of 2023, to implead themselves as necessary parties. That came to be allowed by the Court against which this Civil Revision Petition has been preferred.



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3. The respondents 1 and 2 herein / third party filed I.A.No.1 of 2023 with the following averments: The Trust, namely the first respondent herein, executed a sale agreement dated 14.11.2011 to sell the property to them and received advance amount of Rs.1 Crore and another a sum of Rs.1 Crore to evict the tenants. Based upon the sale agreement, the Trust has filed Trust O.P.No.2 of 2012. Pending the process, the Trust entered into an agreement, with the respondents 2 and 3 herein to sell the very same property. To decide the issue they are also necessary parties. That was resisted by the Trust and other respondents stating that Trust O.P.No.2 of 2012 was filed based upon unregistered sale agreement in respect of second item. The amount was fixed at Rs.3,82,05,000/-. The Court directed to deposit Rs.1,82,05,000/- along with sale papers within a period of two months. That could not be complied. An application was filed in I.A.No.1737 of 2016, seeking further two months time. A compromise was entered into between the petitioner namely the third party and the Trust. A compromise deed was entered on 15.09.2022 by which the agreement was cancelled. The third party has received the entire amount, by surrendering the sale deed dated



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14.11.2011 and other related documents. So they are not necessary parties.

4. After hearing both sides, the enquiry Court allowed the petition stating that whether there was any compromise between the Trust and the third parties and the same must be decided on its own merits in the main petition. Against which this Civil Revision Petition is preferred by the Trust.

5. Heard the learned counsel for the revision petitioner.

6. Eventhough, it is not denied by the revision petitioner that there was an original sale agreement between the Trust and the parties, it came to be cancelled by way of compromise dated 15.09.2022. The necessity for filing the second petition, seeking the very same relief to sell the property is also required to be adjudicated by the enquiry Court. As stated by the enquiry Court, whether the compromise alleged by the Trust, is true or not, must also be addressed and decided on its own merits in the main petition. So I find absolutely no reason to entertain



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the order passed in I.A.No.1 of 2023 in Trust O.P.No.30 of 2023 dated 06.01.2024 on the file of the Principal District Judge, Madurai. It is perfectly legal. No interference is called for from this Court.

7. Accordingly, this Civil Revision Petition is dismissed even at the admission stage itself. No costs.

13.03.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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To

- 1.The Principal District Judge, Madurai.
- 2.The Section Officer, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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