



C.R.P.(MD)No.1284 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1284 of 2023

and

C.M.P.(MD)No.6311 of 2023

Rajmohan

... Petitioner / Petitioner / Appellant

Vs.

1.Anjalidevi

2.The Sub Registrar,
Sub Registrar's Office,
Swamimalai.

3.The District Registrar,
District Registrar's Office,
Kumbakonam.

4.The State represented by
The District Collector,
District Collector's Office,
Thanjavur.

... Respondents 1 to 4 / Respondents

5.Ravichandran

6.Chandra

7.Jayanthi

8.Dhanalakshmi

9.Vasanthi

... Respondents 5 to 9 / Petitioners 1, 3,4,5&6



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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned fair and decreetal order made in I.A.No.36 of 2022 in UF A.S on the file of the learned Principal District Judge, Thanjavur by allowing the present civil revision petition.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.H.Lakhsmi Shankar
for R1

: Mr.K.Balasubramani
Special Government Pleader for R2 to R4

: no appearance for R5 to R9

ORDER

Heard both sides.

2. The case pertains to execution of the settlement deed by one Soundararajan in favour of his second wife Anajali Devi. The first wife is one Chandra. Anjali Devi is none other than the sister of Chandra. The suit settlement deed was executed on 22.04.2004. Soundararajan unilaterally cancelled the same on 14.05.2010. Challenging the unilateral cancellation and seeking permanent injunction, Anjali Devi filed O.S.No.65 of 2010 before the Principal Sub Court, Kumbakonam. Soundararajan entered appearance and



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contested the suit. But he passed away in the year 2012. The case was contested by the appellant who is the son of Soundararajan born through Chandra and others. The suit was decreed on 08.06.2017 as prayed for. Challenging the same, the contesting defendants and others filed first appeal before the Principal District Court, Thanjavur. However, there was a delay of 1388 days in preferring the appeal against the Judgment and decree dated 08.06.2017 in O.S.No.65 of 2010. The first appellate court vide order dated 17.04.2023 dismissed IA. Challenging the same, this Civil Revision Petition came to be filed.

3. The third defendant in O.S.No.65 of 2010 who figured as second appellant has filed this civil revision petition. The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of revision and called upon this court to set aside the impugned order and allow the civil revision petition as prayed for.

4. Per contra, the learned counsel for the plaintiff submitted that the impugned order is well reasoned and that it does not call for interference.

5. I carefully considered the rival contentions and went through the



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materials on record. The primary prayer in the suit is for declaration that the unilateral cancellation is bad in law. It is this prayer that has been acceded to by the trial court. The question of challenging such a relief granted by the trial court does not arise at all. The Hon'ble Full Bench of the Madras High Court in more than one decision (*Latif Estate Line India Limited Vs. Hadeeja Ammal* (W.A.Nos.592 & 938 of 2009 dated 11.02.2011) & *Sasiskala Vs. The Revenue Divisional Officer cum Sub Collector, Devakottai* (W.P.(MD)No.6889 of 2020 etc., batch dated 02.09.2022) had held that unilateral cancellation is null and void. Therefore, even on merits, the revision petitioner has no case. It is a definite finding that has been given by the trial court that the suit property was purchased by Soundararajan in his name on 18.01.1990. It is his property that was settled in the name of Anjali Devi in the year 2004. The learned counsel for the revision petitioner would of-course strongly contend that the purchase was out of the ancestral nucleus. Be that as it may, the decree declaring that unilateral cancellation of the settlement deed is null and void cannot be upset on any ground. It is not as if the suit was decreed in haste. The suit which was instituted in the year 2010 came to be decreed only in June 2017. The petitioner herein was very much represented by a counsel. The delay of 1388 days is inordinate and long. The reasons given by the appellant to condone the delay are absolutely insufficient. When sufficient cause has not been made out,



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the question of condonation does not arise at all. Somebody who has been completely slept over their rights cannot suddenly wake up and knock the doors of this Court. The court below had analyzed the reasons given by the appellants and found them to be wanting in substance. Interference with the impugned order is not called for.

6. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2024

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

- 1.The Principal District Court, Thanjavur.
- 2.The Sub Registrar,
Sub Registrar's Office,
Swamimalai.
- 3.The District Registrar,
District Registrar's Office,
Kumbakonam.
- 4.The District Collector,
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G.R.SWAMINATHAN, J.

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