



C.R.P.(MD)No.2089 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **24.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(MD).No.2089 of 2024
and C.M.P(MD).No.11930 of 2024

Gandhimathi

... Petitioner

Vs.

1.N.Sankaran
2.Jessiekala

... Respondents

Prayer : Petition filed under Article 227 of the Constitution of India, to set aside the judgment and decree dated 07.01.2020 passed in the suit in O.S.No.221 of 2019 on the file of the IV Additional District Court, Tirunelveli and allow the same.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.S.Palanivelayutham (for R1)
Mr.R.Pon Karthikeyan (for R2)

ORDER

Challenging the judgment and decree passed by the learned IV Additional District Judge, Tirunelveli, on 07.01.2020, this revision petition has been filed.



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2. The first respondent has filed a suit for specific performance to enforce the agreement said to have been executed by the second respondent dated 11.06.2018 in respect of 22.5 cents of the subject property and it is alleged in the affidavit that the first respondent is the Advocate for the second respondent and he was appearing for the second respondent in all the matters. He is said to have entered into a contract agreement for purchasing the second respondent's properties and in this regard, he filed a suit. In the said suit, the second respondent was set as *ex-parte*. Therefore, the suit for specific performance decreed as *ex-parte* in favour of the first respondent. Pursuant to the said decree, the second respondent has also executed a sale deed without any intervention of the Court to the first respondent. According to the petitioner, the entire decree is obtained by fraudulently. Hence, it has to be set aside.

2. Heard both sides.



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3. At the outset, whether there was any fraud played and to interfere with the decree of the civil Court, is the matter of evidence, the same cannot be gone into the civil revision petition by making some allegations. In such view of the matter, this Civil Revision Petition is disposed of with liberty to the petitioner to implead herself in the pending suit in O.S.No.153 of 2021 on the file of the I Additional District Court, Tirunelveli, and it is also open to the other side to take objection with regard to the *locus standi* to challenge the decree. The parties are also given liberty to file necessary application to transpose the parties and furnish further facts. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
NCC : Yes / No
Rmk

To

IV Additional District Court, Tirunelveli.



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N.SATHISH KUMAR, J.

Rmk

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