



WEB COPY

C.M.P.No



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.M.P.No.872 of 2025 in
C.R.P.(NPD) SR.No.4576 of 2025

P.Arumugam

... Petitioner/Petitioner

-VS-

1. K.Senthilkumar
2. P.Senthilkumar

... Respondents/Respondents

For Petitioner : Mr.R.Bharath Kumar

ORDER

The petitioner, who is the owner of the suit property, seeks leave of this Court to file revision petition. According to him, he originally appointed one K.Senthilkumar as his Power Agent on 14.09.2011, based on which, the Power Agent appears to have executed an agreement with one P.Senthilkumar the very next day. A suit had been filed on 12.09.2014 by the so-called Agreement Holder as against the Power Agent without even disclosing the owner of the property. The petitioner has not been made as a party in the suit. The Power Agent remained *ex parte* and the *ex parte* decree has been passed without any reasons, which reads as follows:



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“8) Exparte evidence perused. Case records perused. The defendant received the legal notice. Not chosen to send reply. The signatures in the Power of Attorney. Sale agreement and the acknowledgement found correct with each other. Claim Proved. The suit is decreed as prayed for. Balance sale consideration is to be filed on or before 3 months and further 3 months time given for execution of sale deed.”

2. In consequence of the said *ex parte* decree, a sale deed has also been executed. Now, an Execution Petition has been filed and the Decree Holder attempts to evict the petitioner. According to the petitioner, he is in possession of the property and that there was a collusion in filing the suit.

3. Taking note of the facts narrated above and also the facts that agreement had been executed on the very next date; that suit had been filed immediately, wherein the Power Agent remained *ex parte*; that *ex parte* order has been passed without any reasons and that the original owner has not been made as a party, this Court is of the view that it is a fit case to grant leave to file revision petition.

4. Accordingly, this petition is ordered and leave is granted to file Civil Revision Petition.

10.01.2025

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Note: Registry is directed to number the main Revision Petition, if it is otherwise in order and list the same for admission on 21.01.2025.