



WEB COPY

SA No. 370 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 30-04-2025**

CORAM

**THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI**

**SA No. 370 of 2025**

**AND**

**CMP NO. 11079 OF 2025**

J. Shanthi

Appellant

Vs

1. J.N. Sasikala

2.The Sub Registrar

Keelapaluvloor, Ariyalur Taluk and Dt.

Respondents

**PRAYER :-** Second Appeal filed under Sec.100 of Civil Procedure Code, praying to set aside the Judgement and decree dated 28.04.2023 passed in A.S.No.5/2019 on the file of Additional District Judge, at Ariyalur, confirming the Judgement in OS No.37/2008 order dated 09.11.2018 on the file of Subordinate Judge at Ariyalur.

For Appellant: Mr. A.M.Krishnamoorthy



For Respondents: Mr.R.Siddharth  
Addl. Govt. Pleader for R2

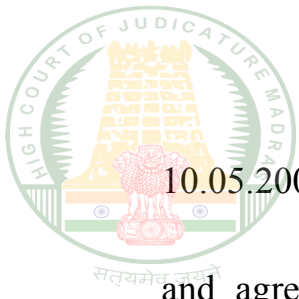
WEB COPY

**JUDGEMENT**

The appellant, who is the plaintiff filed the suit for the relief of specific performance and permanent injunction before the trial court in O.S. No. 37 of 2008 on the file of Subordinate Judge, Ariyalur and the same was dismissed by the trial court. Against which, she preferred an appeal in A.S.No.5 of 2019 on the file of Addl. District Judge, Ariyalur and the same was also dismissed by confirming the findings of the trial court. Now, challenging the concurrent findings of courts below, the plaintiff preferred this Second Appeal.

2. For the sake of convenience, the parties are denoted as per the ranking in the suit.

3. Before the trial court, the plaintiff filed a suit for specific performance directing the 1<sup>st</sup> defendant to execute the sale deed as per the sale agreement dated 03.06.1992 said to be claimed as “உறுதிமொழி ஆவணம்”. Thereafter, on



10.05.2000 the 1<sup>st</sup> defendant received another sum of Rs.90,000/- as advance

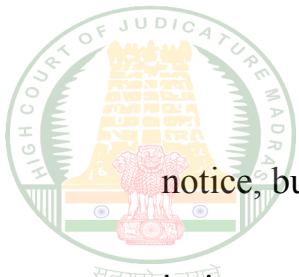
and agreed to execute the sale deed as and when required. Therefore, on

28.05.2007 the plaintiff had issued a notice and also given telegram on

23.06.2008, but the 1<sup>st</sup> defendant evaded. Hence, the suit.

4. The 1<sup>st</sup> defendant contested the case by filing written statement disputing the sale agreement stating that she has fabricated the records and made a false claim.

5. Both parties have adduced evidence and on considering evidence on record, the trial court held that Ex.A2 endorsement not been proved by the plaintiff, since it was denied by the 1<sup>st</sup> defendant and the court below also made an observation and compared about the signature found in the alleged Ex.A2 is not that of 1<sup>st</sup> defendant. When the signature disputed by the 1<sup>st</sup> defendant, the plaintiff ought to have taken steps to send the said signature for comparison to expert, but she failed, besides there is an inordinate delay to call upon the 1<sup>st</sup> defendant to execute the sale deed, nearly about 8 years later, she issued a



WEB COPY

notice, but no reason was offered on the side of plaintiff for the said delay. Since it is prescribed under Sec.16(c) of Specific Relief Act, the plaintiff, who approached the court has to prove his readiness and willingness, but she failed to comply such mandatory requirement. So, the trial judge rightly dismissed the suit and the same was also confirmed by the first appellate court, which needs no interference. Hence, there is no substantial question of law is involved for consideration of this Second Appeal and the same is liable to be dismissed. Accordingly, this Second Appeal is dismissed as no merit and the findings rendered by the courts below is confirmed. Suit is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

6. Furthermore, today, when the matter taken up for hearing, the learned counsel for appellant would submit that both parties known each other and in respect of refund of advance amount, he prayed to refer the matter for mediation. Liberty is granted to the appellant to approach the Legal Services Authority, Salem and Mediation centre is directed to issue notice to the respondent in respect of payment of refund of advance alone, if she wishes.



However, in respect of refund of advance amount if possible to settle the issue

in between parties, let them work out their remedy as a pre-mediation and not

based on the suit evidence. Mediation centre is directed to issue notice to both parties.

**30-04-2025**

rpp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Addl. District Court, Ariyalur.

2. Sub-Judge, Jayankondam

3. The Sub Registrar

Keelapaluvoor, Ariyalur Taluk and Dt.

4. The Public Prosecutor, High Court, Madras.

5. Section Officer, VR Section, Madras High Court.



WEB COPY

SA No. 370 of 2025



**T.V.THAMILSELVI J.**

rpp

**SA No. 370 of 2025  
AND CMP NO. 11079 OF  
2025**

**30-04-2025**