



C.R.P.No.1005 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.1005 of 2025

N.Adhithan

... Petitioner

Vs

G.Krishnan

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleased to direct the learned Subordinate Judge, Kancheepuram to refund balance sale consideration of Rs.1,60,000/- (Rupees One lakh sixty thousand only) deposited by the petitioner to the credit of O.S.No.73 of 2009 (Previously O.S.No.63 of 2006 on the file of the learned Subordinate Judge at Poonamallee) along with accrued interest, if any, within time frame fixed by this Court.

For Petitioner : Mr.M.V.Seshachari



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ORDER

This Civil Revision Petition has been filed by the petitioner seeking for a direction to the learned Subordinate Judge, Kancheepuram to refund balance sale consideration of Rs.1,60,000/- (Rupees One lakh sixty thousand only) deposited by the petitioner to the credit of O.S.No.73 of 2009 (Previously O.S.No.63 of 2006 on the file of the learned Subordinate Judge at Poonamallee).

2. The submissions of the learned counsel appearing for the petitioner are as follows :-

2.1. The petitioner/plaintiff had filed a suit in O.S.No.63 of 2006 for specific performance of agreement for sale dated 05.10.2003 against the respondent/defendant before the Subordinate Court, Poonamallee. As per the agreement, the total sale consideration was fixed at Rs.2,45,000/- and a sum of Rs.85,000/- was paid as advance. The petitioner, at the time of filing the suit, in order to establish his bonafide, had deposited Rs.1,60,000/- to the credit of the suit in O.S.No.63 of 2006 on the file of the Subordinate Court, Poonamallee on



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07.07.2006 through 'A' Challan No.52.

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2.2. Subsequently, due to the district bifurcation, the suit was transferred to the file of the Subordinate Court, Kancheepuram and re-numbered as O.S.No.73 of 2009. After full fledged trial, the suit was dismissed by a judgment and decree dated 09.08.2016 and the appeal filed by the petitioner in A.S.No.9 of 2016 before the District Munsif Court No.2, Kancheepuram was also dismissed. Thereafter, the petitioner has not preferred an second appeal, thereby, the said judgment and decree passed by the Subordinate Court, Kancheepuram, attained finality.

2.3. Though the petitioner has deposited the balance sale consideration to the credit of Rs.1,60,000/- to the credit of the Subordinate Court, Poonamallee, no orders have been passed by the trial Court, for return/refund of the amount to the petitioner.

2.4. The petitioner has filed an application I.A.SR.No.6445 of 2023 on 21.04.2023 praying the Subordinate Court, Kancheepuram to send for the amount which was originally deposited before the Subordinate Court, Poonamallee, when the suit was pending in O.S.No.63 of 2006. However, without considering the same, the application was returned after six months stating no



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amount is available in that court.

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2.5. The Sub Court, Kancheepuram, ought to have called for the amount which has been deposited on the file of the Subordinate Court, Poonamallee and directed for return, whereas, unnecessarily, making the petitioner to run between pillar and post. Thereby, the present Civil Revision Petition has been filed seeking for a direction to the learned Subordinate Judge, Kancheepuram to refund the balance sale consideration deposited by the petitioner.

3. Having heard the learned counsel appearing for the petitioner and perused the materials available on record, this Court is able to see that admittedly, the petitioner is said to have deposited of Rs.1,60,000/- to the credit of the Subordinate Court, Poonamallee, in O.S.No.63 of 2006 towards the balance sale consideration 07.07.2006 through 'A' Challan No.52 and the Court, instead of making the petitioner run between pillar and post, ought to have called for the amount and issued a direction for a refund.

4. In view of the above, this Civil Revision Petition stands allowed. The learned Subordinate Judge, Kancheepuram is directed to call for the amount



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deposited by the petitioner through 'A' Challan No.52 on 07.7.2006 to the credit of

WEB O.S.No.63 of 2006 on the file of the Subordinate Court, Poonamallee, along with

the accrued interest, if any and refund the same to the petitioner on proper verification. Further, the process shall be completed within a period of two months from the date of filing of the memo before the Court concerned. No costs.

12.03.2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1. The Subordinate Judge, Kancheepuram.
2. The Subordinate Judge, Poonamallee.
3. The Section Officer,
VR Section, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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