



CRP.No.2731 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.2731 of 2022
and CMP.No.14259 of 2022

Sudharani

... Petitioner

Versus

1.Thiruneelakandan

2.Selvam

... Respondents

Prayer: Petition filed under Section 115 of the Code of Civil Procedure to set aside the fair and final order dated 01.08.2022 passed in REA.No.1 of 2022 in REP.No.192 of 2020 in OS.No.153 of 2014 on the file of the I Additional District and Sessions Judge, Salem.

For petitioner : Mr.R.Nalliyappan

For respondents : Mr.P.Dinesh Kumar for R1
R2- No appearance

ORDER

Challenging the impugned order passed by the Executing Court rejecting the application filed under Section 47 of CPC, the present revision has been filed.

2. The above suit has been filed by the first respondent for specific performance, however, the suit has been referred to Lok Adalath, wherein, the



CRP.No.2731 of 2022

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revision petitioner agreed to pay a sum of Rs.50 lakhs to the first respondent within two years without interest. If the amount is not paid, it is also agreed to execute the sale in respect of the property in S.F.No.119/1A and if the land is not sold, the first respondent can buy way of sale deed. Accordingly, the suit was dismissed as settled. However, the fact remains that before entering such settlement, the property has been settled conveniently in favour of his son. As the award is not fructified, execution petition has been levied for different property namely the suit properties taking note of the fact that the petitioner has committed fraud. In the execution petition, the revision petitioner had filed an application under Section 47 of CPC, wherein, a stand has been taken as if award cannot be enforceable since the property belonged to her husband. The Trial Court dismissed the application. Challenging the said order, the present revision has been filed.

3. Heard both sides and perused the materials placed on record.

4. Joint Compromise of both the parties has been filed before this Court on 17.10.2023, wherein, the revision petitioner has agreed to pay the lok adalat award of Rs.50 lakhs along with interest from the year 2020 @ 6% per annum that comes



CRP.No.2731 of 2022

around Rs.10 lakhs. In total, the petitioner had agreed to pay a sum of Rs.60 lakhs

to the respondent on or before 17.02.2024. Further, she has also undertaken before this Court that Rs.20 lakhs will be paid on or before 17.12.2023. Having given such undertaking which has been recorded by this Court, however, terms agreed in the compromise has not been complied. The very factum of the petitioner giving a different property despite knowing the property has been transferred is clear case of fraud on her part. That apart, having filed an undertaking before this Court agreeing to settle the entire amount on or before 17.02.2024, now still resisting the execution by filing application under Section 47 of CPC is nothing but the act clear case of fraud only to defeat the rights of the registered agreement holder in whose favour award has been passed. Even assuming that different property was set for the sale of property, still the decree holder can enforce the award for realising the amount. The decree holder/first respondent is at liberty to make necessary amendments for bringing the property of the revision petitioner for sale to realise the amount. The Executing Court shall expedite the execution petition and dispose of the same within a period of three months from the date of receipt of a copy of this order.



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CRP.No.2731 of 2022

N. SATHISH KUMAR, J

dhk

5. Accordingly, this revision stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

24.06.2025

Index : Yes / No
Speaking/non speaking order
dhk

To,

1.The Additional District & Sessions Judge
Salem

2.The Section Officer
VR Section, Madras High Court

CRP.No.2731 of 2022