



C.R.P.Nos.3744 & 3655 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.Nos.3744 & 3655 of 2024

and

C.M.P.Nos.20360 & 19862 of 2024

P.Lalitha

... Petitioner
in both revision petitions

Vs.

P.Natarajan

... Respondent
in both revision petitions

Prayer in C.R.P.No.3744 of 2024 : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the order dated 12.06.2024 in R.E.A.No.1 of 2023 in R.E.P.No.44 of 2020 in O.S.No.74 of 2015 on the file of the Subordinate Court, Rasipuram.

Prayer in C.R.P.No.3655 of 2024 : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the order dated 12.06.2024 in I.A.No.1 of 2020 in O.S.No.74 of 2015 on the file of the Subordinate Court, Rasipuram.

For Petitioner : Mr.M.D.Ilayaraja
in both petitions

For Respondent : Mr.P.Jagadeesan
in both petitions



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COMMON ORDER

Challenging the order of the Subordinate Judge, Rasipuram, dated 12.06.2024, dismissing the applications to condone the delay in filing the application to set aside the *ex parte* decree dated 03.06.2016 and *ex parte* order in the execution proceedings dated 10.06.2022, the present revision petitions have been filed by the defendant/judgment debtor.

2.Originally, the suit has been filed by the respondent for specific performance on the basis of a sale agreement dated 13.02.2013. The said suit was decreed *ex parte* on 03.06.2016. Thereafter, the respondent/decreed holder proceeded with execution proceedings by filing Execution Petition in R.E.P.No.44 of 2020. Even in the Execution Petition, the petitioner/judgment debtor was set *ex parte* by order dated 10.06.2022. Thereafter, the petitioner/judgment debtor has taken out the present applications to condone the delay in filing the applications to set aside the *ex parte* decree in the suit and also the *ex parte* order in the execution proceedings. The trial Court has dismissed both the applications,



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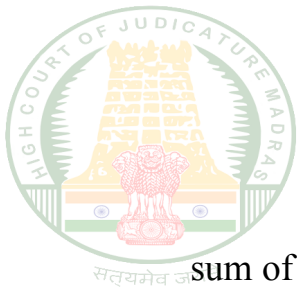
challenging which, the present revision petitions have been filed.

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3.It appears that, in the meanwhile, after passing of the *ex parte* order in the Execution Petition, sale deed came to be executed in favour of the respondent/decreed holder on 23.06.2023 by the Executing Court. When the matter came up for hearing before this Court, the parties have reported before this Court that they will settle the matter and accordingly, the petitioner/judgment debtor has agreed to pay a sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) as full quit. The respondent/decreed holder has also agreed to accept the same.

4.Accordingly, a sum of Rs.23,00,000/- has already been paid by way of Demand Drafts and the same has been recorded by this Court by its order dated 29.04.2025. For payment of the remaining amount of Rs.7,00,000/-, the matter is adjourned today.

5.Today, the learned counsel for the petitioner has produced a Demand Draft dated 09.06.2025 drawn in City Union Bank, Suramangalam Branch, Salem, bearing No.00677843, in favour of the respondent, for a



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sum of Rs.7,00,000/- (Rupees Seven Lakhs only) and the Demand Draft has

been handed over to the respondent, who is present before this Court today.

Therefore, the entire amount of Rs.30,00,000/- as agreed between the parties has now been settled before this Court. The respondent/deGREE holder has received the entire amount in full quit.

6.In such view of the matter, the respondent/deGREE holder shall re-transfer the subject property in favour of the petitioner/judgment debtor, within a period of three months. Costs for such transfer shall be borne by judgment debtor. It is made clear that, as the entire matter has been settled and the decree holder has received the entire amount, the sale executed by the Executing Court would not convey any title to the decree holder. Further, the decree passed in the suit in O.S.No.74 of 2015 on the file of the Subordinate Court, Rasipuram, is also set aside.

7.With the above directions, these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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10.06.2025



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Internet : Yes

Index : Yes / No

Speaking order / Nonspeaking order

Neutral Citation : Yes / No

To

The Subordinate Judge,
Rasipuram.



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N. SATHISH KUMAR, J.

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