



CRP No.3071 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :21.07.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.No.3071 of 2025 and CMP No.17209 of 2025

S.C.Udayakumar

... Petitioner

vs

UV.Balaraman

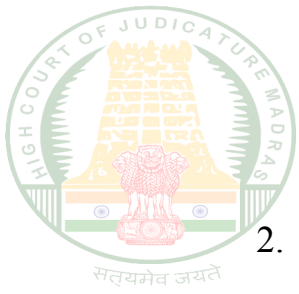
.. Respondent

Petition filed under Article 227 of Constitution of India to set aside the fair and decretal order dated 28.03.2023 made in I.A.No.3 of 2023 in O.S.No.5 of 2016 on the file of Subordinate Judge, Vaniyambadi.

For Petitioner : Mr.C.Munusamy

ORDER

The revision is filed at the instance of the plaintiff, who took out an application in I.A.No.3 of 2023, seeking refund of the advance amount of Rs.11,70,000/-(Rupees Eleven Lakhs Seventy Thousand Only) (including interest), pending the suit. The said application has been dismissed by the trial court.



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2. The fact remains that the suit is for specific performance of an agreement of sale and the amount deposited by the plaintiff was sought to be refunded to him without trial being concluded and the issues being adjudicated, between the parties.

3. I have gone through the order of the trial court. I also find that even in the plaint there is an alternate relief for refund of advance amount.

4. In view of the above, I do not find any infirmity in the order passed by the trial Court dismissing the application. However, considering the fact that the suit is pending from the year 2016 onwards, a direction is issued to the learned Subordinate Judge, Vaniyambadi to dispose of the suit on merits and in accordance with law within period of three months from the date of receipt of a copy of this order.

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Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr



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To

the Subordinate Court, Vaniyambadi.



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P.B.BALAJI.,J.

Sr

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