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CMP.No.212 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

CMP No. 212 of 2024

AND

AS SR NO. 164730 OF 2023

1. C.Muniraj
S/o. Chinnasamy,
Chikkamarandahalli, Gujjarahalli
Post, Palacode Taluk,
Dharmapuri Dist.

Appellant(s)

Vs

1. S.Ravi
S/o. Singaram, D.No. 54-Y,
Athimutlu Village, Samanoor Post,
Palacode Taluk, Dharmapuri Dist.

Respondent(s)

AS SR No. 164730 of 2023

1. C.Muniraj

Appellant(s)

Vs

1. S.Ravi

Respondent(s)

CMP No. 212 of 2024



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PRAYER

To condone the delay of 512 days and pass such further orders which this Honble Court.

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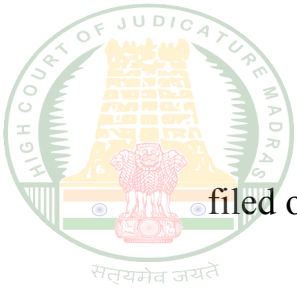
For Appellant(s): S.Subramanian

For Respondent(s): Mr.T.S.Baskaran

ORDER

Application filed to condone the delay of 512 days in preferring the appeal against the judgment and decree passed by the learned Additional District Judge, Dharmapuri in O.S.No.77 of 2017 dated 27.04.2022.

2. On receipt of the notice in the said application for condoning delay, the decree holder/respondent has filed a detailed counter stating that nothing survives in the appeal, since the appellant had conceded to the decree and executed sale deed dated 29.05.2023 in favour of one Lokeshwaran and got it registered at Sub Registrar Office, Marandahalli, Dharmapuri District, for which, the decree holder is one of the witnesses. Thus, the decree holder has given up his right over the suit property and permitted the appellant to alienate the property in favour of Lokeshwaran. After executing the sale with the consent of the decree holder on 29.05.2023, the present appeal is



filed on 20.12.2023 with the delay of 512 days is not maintainable.

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3. After receipt of the counter, the counsel for the petitioner/appellant remained absent, not turned up, though the matter is listed twice.

4. This Court on perusing the records finds that the reasons stated for delay is contrary to the conduct of the petitioner/appellant and further more having executed the subject suit property after suffering the decree of specific performance, the appellant had alienated the property, of course with the consent and knowledge of the decree holder.

5. Having alienated the property with the consent of the decree holder, nothing survives for the Appellate Court to consider from the counter. This Court understands that pursuant to the decree of the specific performance, the respondent has preferred execution petition in EP.No.6 of 2023, but, due to the subsequent events, he has instructed the counsel to withdraw the execution petition.

6. It is also seen from the counter that the appellant after executing the



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sale deed in favour of Lokeshwaran with the consent of the decree holder against Lokeshwaran challenging his sale in favour of sLokeshwaran. In any case, the decree holder in O.S.No.77 of 2017 in express turn had made clear that he is not interested in pursuing the decree and he is party to the sale deed executed by the appellant /Judgement Debtor who and in favour of Lokeshwaran vide document dated 29.05.2023. Thus, it is clear that by suppressing vital facts, the appeal been filed with the delay of 512 days not assigning genuine and possible reasons and hence, this petition stands dismissed. Consequently, A.SR.No.164730 of 2023 is dismissed.

18-06-2025

Vv

To

1.S.Ravi
S/o. Singaram, D.No. 54-Y,
Athimutlu Village, Samanoor Post,
Palacode Taluk, Dharmapuri Dist.

2. The Additional District Judge, Dharmapuri.
s

Dr.G.JAYACHANDRAN J.

Vv

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in
AS.SR.No.164730 of
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