



CRP No.5774 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.12.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.5774 of 2025 and CMP No.28710 of 2025

1.Mrs.J.Vijayalakshmi

2.J.Rudramoorthy

3.J.Thirunavukarasu

4.Mrs.J.Mekala

.... Petitioners

vs

1.Purasaiwalkam Permanent Fund Ltd.,
Reptd by its Managing Director, now known
As Purasiwalkam Permanent Fund Nidhi Ltd.,
Reptd by its whole time director at
No.174 & 177, Vellala Street,
Purasaiwalkam, Chennai-600 084.

2. M/s Balaji & Co., Auctioneers and
Estate Agents,
160, Thambu Chetty Street, III Floor,
(Opp.to High Court),
Chennai-600 001

... Respondents



CRP No.5774 of 20--

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code against the fair and decreetal order dated 07.10.2025 made in I.A.No.2 of 2025 in A.S.SR.No.4124 of 2025 passed by the I Additional Judge, City Civil Court, Chennai.

For Petitioners : Ms.D.Divya Bharathi

For Respondents : Mr.M.A.Lakshmipathi
For R.1
R.2 – No appearance

ORDER

Heard Ms.D.Divya Bharathi, learned counsel for the petitioner and Mr.M.A.Lakshmipathi, learned counsel for the first respondent.

2. The revision petition has been filed by the plaintiffs in a suit for permanent injunction and declaration, challenging the auction notice that was issued by the first respondent herein. The suit was decreed and as against the same, an appeal was preferred by the first respondent along with an application to condone the delay of 97 days in preferring the first appeal. The said application in I.A.No.2 of 2025 came to be allowed by the first appellate Court and challenging the said order, the present revision has been filed by the plaintiffs.



WEB COPY

CRP No.5774 of 20_

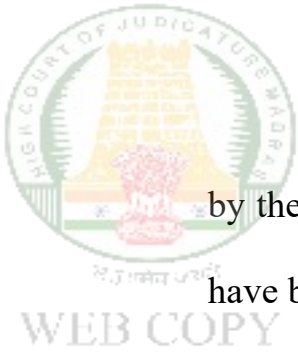


3. Learned counsel for the revision petitioners would bring to my notice that despite the decree having been passed in the said suit, pursuant to a different auction notice, the property has been brought for sale and the sale has also been concluded and possession alone remains to be with revision petitioner. He would therefore state that there is no necessity to prefer a first appeal challenging the judgment and decree, when subsequent cause of action has arisen for the first respondent, in pursuance of which the property has also been sold to third party, which is under challenge in O.S.No.6603 of 2023 on the file of VII Assistant City Civil Court.

4. Learned counsel for the first respondent states that on an erroneous assumption and consideration of facts, the trial court has decreed the suit which has necessitated the first respondent to prefer the first appeal.

5. However, considering the fact that the declaration and permanent injunction granted in the present suit will not in any way affect the rights of the first respondent who has already sold the property and it is challenged in an independent suit in O.S.No.6603 of 2023, I do not see any necessity for the parties to undergo the agony of one more appeal. As already pointed out

3/6



by the learned counsel for the first respondent, there are several suits which have been filed in the past by the plaintiffs against the first respondent.

6. In the light of the above, it is clarified that there is no purpose in prosecuting the appeal though the delay has been condoned in view of the fact that the very same property has been brought for sale in public auction pursuant to a different auction notice, which is admittedly under challenge in a separate suit.

7. It is open to the parties to canvas their contentions in the pending suit in O.S.No.6603 of 2023 on the file of VII Assistant City Civil Court, Chennai. Any finding in the present suit shall not bind both the parties.

8. Learned counsel for the first respondent would however bring to my notice that pursuant to the delay being condoned, appeal has been numbered as A.S.No.244 of 2025 before the VI Additional City Civil Court, Chennai.

9. In view of the liberty is granted to both the parties to agitate all their contentions and objections in the pending suit which is challenging the

4/6



CRP No.5774 of 20__

auction notice pursuant to which the property has been sold, the learned counsel undertakes to withdraw the appeal.

WEB COPY

10. With the above observation, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.12.2025

sr

Index:yes/no

Internet:yes/no

Neutral Citation:Yes/No

Speaking/Non-Speaking Order

To

1. The I Additional City Civil Court, Chennai
2. The VI Additional City Civil Court, Chennai
3. The VII Assistant City Civil Court, Chennai



WEB COPY



CRP No.5774 of 20_

P.B.BALAJI.,J

sr

CRP No.5774 of 2025

18.12.2025