



CRP(MD). No.1636 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1636 of 2025
and CMP(MD) No.8499 of 2025**

R.Senthilkumar

... Petitioner

Vs

1. Murugesan

2. Rathana Benefit Fund Ltd.,
Door No.2/205a, G.S.T.Road,
Sattur Town, Sattur Taluk,
Virudhunagar District,
Through its Director,
L.Rathinakumar,

J.Rajasekar (Died).

3. J.Dhanasekarapandian

4. J.Dhayalamohan

5. R.Vijayalakshmi

6. R.Kamalajothi

... Respondents

PRAYER :-Civil Revision Petition filed under section 115 of Civil Procedure Code, to call for the records relating to the impugned Fair and



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Decreetal order dated 15.04.2025 passed in E.A.No.1 of 2021 on the file of the Subordinate Court, Sattur, in E.P.No.25 of 2015 in O.S.No.73 of 2010 on the file of the Subordinate Court, Sivakasi and to set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mrs.S.Mahalakshmi

For Respondents : Mr.M.P.Senthil

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 15.04.2025 passed in E.A.No.1 of 2021 on the file of the Subordinate Court, Sattur, in E.P.No.25 of 2015 in O.S.No.73 of 2010 on the file of the Subordinate Court, Sivakasi.

2. When the matter was taken up for hearing, this Court passed the following order:

This petition has been filed seeking orders to set aside the impugned fair and decreetal order dated 15.04.2025 passed in E.A.No.21 of 2021 in E.P.No.25 of 2015 in O.S.No.73 of 2010 on the file of the Sub Court, Sivakasi, now pending before the Sub Court, Sattur.

2. The second respondent filed a suit in O.S.No.73 of 2010 seeking a declaration of the amount due under a



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mortgage by deposit of title deeds and for recovery of money based on a promissory note supported by an unregistered mortgage deed. The said suit was decreed as ex parte on 13.04.2009. Thereafter, final decree proceedings were initiated, and a final decree was passed on 04.09.2014. The petitioner, along with other legal heirs, filed an interlocutory application in I.A.No.402 of 2016 before the trial Court seeking to condone the delay of 2717 days in filing a petition to set aside the ex parte decree and to restore the suit. The said application was dismissed by the trial Court. Subsequently, the petitioner and others filed a petition before this Court in C.R.P. (MD).No.1749 of 2017. This Court allowed the petition and directed the petitioners therein to deposit a sum of Rs.5,89,536/- (Rupees Five Lakhs Eighty Nine Thousand Five Hundred and Thirty Six only) before the trial Court.

3. In the meantime, the first respondent / auction purchaser had purchased the property from the second respondent and filed an application in E.A.No.21 of 2021 in E.P.No.25 of 2015, which was allowed. Challenging the same, the present petition has been filed.

4. The learned counsel appearing for the petitioner submits that both the petitioner and the first respondent / auction purchaser are before this Court and have arrived at a settlement. As per the settlement, the first respondent



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has agreed to receive a sum of Rs.5,89,536/-, (Rupees Five Lakhs Eighty Nine Thousand Five Hundred and Thirty Six only) which has already been deposited before the trial Court. The petitioner further undertakes to pay the balance amount of Rs.12,00,000/- to the first respondent on or before 29.08.2025. In case of default, the amount already deposited shall not be liable to be recovered from the first respondent.

5. In view of the settlement arrived at between the parties, the sale deed executed in favour of the first respondent is hereby set aside. Unless the amount, as per the settlement arrived at between the parties, is paid, the sale deed executed in favour of the first respondent shall remain valid and shall not be set aside.

6. Liberty is granted to the petitioner to proceed with the suit as against the original plaintiff in the manner known to law.

7. The trial Court is directed to disburse the amount already deposited in favour of the first respondent within a period of two weeks from the date of receipt of a copy of this order. The petitioner is directed to draw a Demand Draft in favour of the first respondent for the balance amount of Rs.12,00,000/- (Rupees Twelve Lakhs only) on or before 29.08.2025.

8. Registry is directed to list the matter on



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29.08.2025 under the caption 'for reporting compliance'.”

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Accordingly, the Civil Revision Petition is directed to be listed under the caption, 'for reporting compliance of the earlier order dated 16.07.2025' to today.

3. When the Civil Revision Petition is taken up for hearing, the learned counsel for the petitioner would submit that as directed above, the petitioner has drawn the demand draft for a sum of Rs.12 lakhs in favour of the first respondent in order to enable the first respondent to reconvey the property in favour of the petitioner and the petitioner is also ready to bear other incidental expenses including the preparation of document and the petitioner has no objection for the withdrawal of the amount already deposited to the tune of Rs.5,89,536/- by the first respondent before the trial Court with accrued interest.

4. The learned counsel for the respondents would submit that the first respondent received the demand draft for Rs.12 lakhs bearing DD No.228112 dated 28.08.2025 and agreed to reconvey the property in favour of the petitioner.



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5. In view of the above said compliance, the Civil Revision Petition stands allowed and the first respondent is directed to reconvey the property in favour of the petitioner, for which, the petitioner shall bear other incidental expenses. The first respondent is also permitted to withdraw the amount already deposited before the trial Court to the tune of Rs.5,89,536/- including interest. The parties shall abide the aforesaid conditions. No costs. Consequently connected Miscellaneous Petition is closed.

29.08.2025

NCC : Yes/No

Index : Yes/No

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TO

1.The Subordinate Court, Sattur

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.1636 of 2025**

Date : 29/08/2025