

C.R.P.(MD)No. 400 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.400 of 2018

N.Manickam

...Petitioner

Vs.

1.Periyammal @ Pappathi

2.Veluchamy

3.Mahalakshmi

4.C.Rajammal

5.R.Chandrasekar

...Respondents

(4th Respondent is impleaded vide court order dated 29.02.2024 made in CMP(MD)No. 13044 of 2023 in CRP(MD)No. 400 of 2018)

(5th Respondent is impleaded as per the order of this court dated 30.01.2025 made in CMP(MD)No.6584 of 2024 in CRP(MD)No.400 of 2018)

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, praying to set aside the Fair and Decretal order dated 04.04.2017 passed by the learned Principal District Munsif Judge, Manaparai in E.A.No. 34 of 2016 in E.P.No.2 of 2011 in O.S.No.210 of 2004.



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For Petitioner : Mr.V.Baskaran

For Respondents : Mr.V.S.Kumaraguru for R1

Mr.T.C.Gopalakrishnan for R4

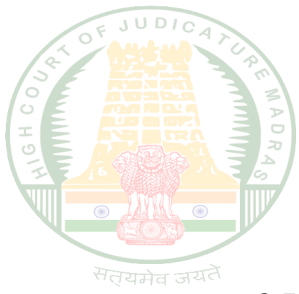
Mr.R.Yamuna for R5

No Appearance for R2 & R3

ORDER

This petition has been filed seeking to set aside the Fair and Decreetal order dated 04.04.2017 passed by the learned Principal District Munsif Court, Manaparai in E.A.No. 34 of 2016 in E.P.No.2 of 2011 in O.S.No.210 of 2004.

2.Learned Counsel for the petitioner would submit that the respondent / plaintiff filed a suit for recovery of money and the said suit was decreed as against the first respondent / judgment debtor. Since the first respondent / judgment debtor has not paid the amount thereby, the property was auctioned in which the petitioner purchased the property. However, the trial Court also executed sale deed in favour of the petitioner. Subsequently, E.A.No.34 of 2016 was filed by the first respondent / judgment debtor and the same was allowed, resulting in the sale being set aside. Challenging the same, the present Civil Revision Petition has been filed.



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3.Learned Counsel for the petitioner would submit that the petitioner is the auction purchaser. He purchased through court auction. Subsequently, the sale deed was set aside. However, during the pendency of the Civil Revision Petition, the matter was amicably settled and the fourth and fifth respondents who are the subsequent purchasers from the first respondent agreed to pay Rs.5 lakhs [Rs.2.5 Lakhs each] as compensation to the petitioner and prays that this Court may confirm the order in E.A.No.34 of 2016. The suit property is free from encumbrance in favour of the respondents. To that extent, both of them filed a compromise memo before this Court and also memorandum of undertakings have been filed before this Court by the fourth and fifth respondents.

4.In view of the above settlement arrived at between the parties, the petitioner filed a memo before this Court dated 06.06.2025, in which paragraph No.5 reads as follows:

“5.It is submitted that the above said 4th & 5th respondents had purchased the above said property from the 1st respondent. Instead of cancelling the sale deeds standing in the names of the 4th & 5th respondents vide Doc.No.1322/2018 & 1323/2018 on the file of Manapparai Sub-Registrar Office, the Civil Revision Petitioner is ready



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to accept Rs.10,00,000/- (Rupees Ten Lakhs) from the 1st respondent herein as compensation for the property to an extent of 1.41 acres of punja land situated in S.No.462/1F, Arasunilaipalayam, Aniyappur Village, Manapparai Taluk, Tiruchirappalli District. It is submitted that the Civil Revision Petitioner / Auction Purchase is ready to receive Rs.10,00,000/- as compensation amount is full and final settlement for the extent of 1.41 acres of punja land in S.No. 462/1F, Arasunilaipalayam, Aniyappur Village, Manapparai Taluk, Tiruchirappalli District from the 1st respondent herein.”

5. Though the petitioner claimed compensation of Rs.10 Lakhs and filed a memo, thereafter, further compromise was arrived at for Rs. 5 Lakhs. In view of the above, the fourth and fifth respondents have drawn a DD in favour of the petitioner and the petitioner received the said D.Ds., thereby the petitioner has been paid Rs.2.5 Lakhs each [totally Rs.5 Lakhs] by the fourth and fifth respondents.

6. Accordingly, the Civil Revision Petition stands disposed of. The order passed by the trial Court in E.A.No. 34 of 2016 in E.P.No.2 of 2011 in O.S.No. 210 of 2004 dated 04.04.2017 stands confirmed. Apart from this compensation amount of Rs.5 Lakhs, the petitioner is entitled to withdraw the amount



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available with the trial Court with accrued interest. There shall be no order as to costs.

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Internet: Yes/No

Index: Yes/No

MR



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To

1.The Principal District Munsif,
Manaparai.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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