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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 312 of 2024
and CMP.No.9422 of 2024

CNR:{HCMA010372052024}

Shamembee
W/o. Mahammed John, No.100A, Milath Nagar,
Chengam Town, Tiruvannamalai Dt.

Appellant(s)/Plaintiff

Vs

1. Sathiyakala
W/o. Rajavel, Res at Krishnavaram Village (Road Junction), Paramananthal Post, Chengam Tk, Tiruvannamalai Dt.

2.Gowtham
S/o. Rajavel, Res at Krishnavaram Village (Road Junction), Paramananthal Post, Chengam Tk, Tiruvannamalai Dt.

3.Ishwarya
D/o. Rajavel, Res at Krishnavaram Village (Road Junction), Paramananthal Post, Chengam Tk, Tiruvannamalai Dt.

Respondent(s)/Defendants

PRAYER

Second Appeal filed under Section 100 CPC against the judgment and decree

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dated 22.08.2023 passed in AS No.03 of 2023 (CNR No.TNTM01-001180-2023) on the file of the Additional District Court, Tiruvannamalai, in confirming the judgment and decree dated 30.11.2022 passed in OS No.342 of 2020 (CNR No.TNTM1F0012762020) on the file of the Sub Court, Chengam.

For Appellant(s): Mr.P.Mani

For Respondent(s): Mr.C.Munusamy For RR 1 To 3

JUDGMENT

Challenging the concurrent finding of the courts below, the appellant/ plaintiff has preferred this second appeal.

2. Before the trial court, the plaintiff filed suit for the relief of specific performance of the sale agreement dated 22.06.2015 and sought for delivery of possession of the suit property. However, the plaintiff failed to prove the bona fide of the sale agreement and that neither he proved his willingness and readiness to perform his part of contract. The trial court, therefore, dismissed the suit, which was confirmed by the first appellate court. Aggrieved by the said findings, this Second Appeal is filed.

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3. On going through the entire typed set of papers, this court is of the view that no substantial question of law is involved in this second appeal.

4. Pending appeal, the learned counsel for the appellant/plaintiff sought for refund of the advance amount of Rs.2,00,000/-. However, the learned counsel for the defendants/respondents raised objection stating that the defendants borrowed a loan of Rs.1,00,000/- and as a security for the loan amount, sale agreement came into force and as such, the defendants borrowed the amount of only Rs.1,00,000/-. The learned counsel for the respondents/defendants however submits that the defendants are ready to repay the amount.

5. Considering the facts of the case and since the issue is pending since 2015 and before the courts for more than 10 years the matter is under litigation, if 12% interest is added to the loan amount of Rs.1,00,000/-, the amount comes to Rs.2,20,000/-. Since the plaintiff is standing before the court near about ten years, the defendants are directed to pay a sum of Rs.2,50,000/- [Rupees Two lakhs fifty thousand only] directly to the plaintiff. Time for payment is four months. If there is any deviation, the matter will be reopened.

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6. With the above direction, the second appeal is disposed of. No substantial question of law involved in this second appeal. No costs. Consequently, connected CMP.No.9422 of 2024 is closed.

27-10-2026

nvsri

Note: Issue order copy on or before 29/10/2026

To

1.The Additional District Court, Tiruvannamalai,

2.The Sub Court, Chengam.

3.The Section Officer, V.R.Section, High Court, Madras.

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T.V.THAMILSELVI J.

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