



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-06-2026**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**SA No. 295 of 2026**

1. Durgaiyan,  
S/o.Chinnasami, Residing at  
Pudhupallapattu Village, Sankarapuram  
Taluk, Kallakurichi District -606 401.

Appellant(s)

Vs

1. Angammal,  
W/o.Thangavel Asari, Pudhupallapattu  
Village, Sankarapuram Taluk,  
Kallakurichi District -606 401. (Power  
Agent Kodhandam, S/o.Thangavel,  
Indira Nagar, Kallakurichi Taluk)

Respondent(s)

**PRAYER**

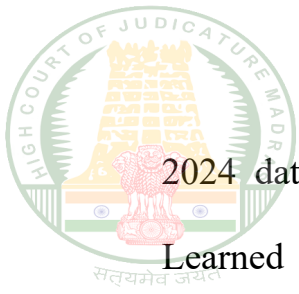
Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the Judgment and Decree passed by the Learned Principal District Judge, Kallakurichi in A.S.No.40 of 2024 dated 14.08.2025 confirming the Judgment and Decree passed by the Learned Principal Subordinate Judge, Kallakurichi in O.S.No.231 of 2014, dated 19.03.2024 and allow the Second Appeal and pass such further or other orders as this Honourable Court may deem just and proper and thus render justice.

For Appellant(s): MR.A.Arunbabu

For Respondent(s):

**JUDGEMENT**

The petitioner has filed this petition to set aside the Judgment and Decree passed by the Learned Principal District Judge, Kallakurichi in A.S.No.40 of

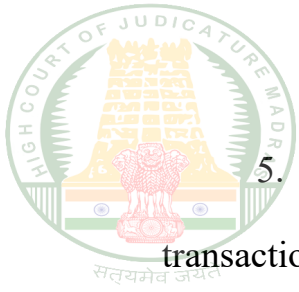


2024 dated 14.08.2025 confirming the Judgment and Decree passed by the Learned Principal Subordinate Judge, Kallakurichi in O.S.No.231 of 2014, dated 19.03.2024.

2. Challenging the concurrent findings of the Courts below, the plaintiff has preferred the present revision. Before the trial Court, the plaintiff filed a suit for specific performance. However, the trial Court held that the plaintiff had failed to prove his readiness and willingness to perform his part of the contract. Consequently, the Court granted the alternative relief of refund of the advance amount.

3. The said finding was confirmed by the first appellate Court in A.S. No.40 of 2024 Upon consideration of the concurrent findings of both Courts, this Court finds that no substantial question of law is involved.

4. The plaintiff failed to establish his readiness and willingness before the trial Court, which is a mandatory requirement for granting the relief of specific performance. Therefore, this Court is inclined to confirm the findings of the Courts below.



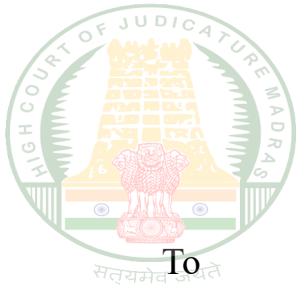
5. However, as the Courts below have concurrently found that the transaction was in the nature of a loan transaction, this Court is inclined to enhance the rate of interest from 9% to 12% per annum, payable from the date of the agreement till the date of realization.

6. The respondent herein / defendant is directed to pay the suit claim amount of Rs.2,00,000/- together with the aforesaid interest within a period of three months, from the date of receipt of a copy of this order.

7. With the above observations, this Second Appeal is dismissed.

**05-06-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Internet: Yes  
Neutral Citation: Yes/No  
rri



To

WEB COPY

1. Angammal,  
W/o. Thangavel Asari, Pudhupallapattu  
Village, Sankarapuram Taluk,  
Kallakurichi District -606 401. (Power  
Agent Kodhandam, S/o. Thangavel,  
Indira Nagar, Kallakurichi Taluk).

2. The Principal District Judge,  
Kallakurichi.

3. The Principal Subordinate Judge,  
Kallakurichi.

4. The Section Officer, VR Section,  
High Court of Madras.



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**T.V.THAMILSELVI J.**  
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