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CRP No. 2009 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 2009 of 2014

and

M.P.No.1 of 2014

1. Arumuga Padayachi(died)
2. Govindan
Sole petitioner died. Petitioner-2 brought on record as LR's of the deceased Sole petitioner viz.Arumuga padayachi vide court order dated 04/07/2023 made in CMP Nos.12449,12455,2462 /2022 in CRP No.2009 of 2014

..Petitioner(s)

Vs

1. PONNAMBALAM - died
2. Sarala(died)
3. Maragatham
4. Minor Parasuraman
Rep by Guardian Uncle Lakshmanan
Vandipalayam Village, Ulundurpet Taluk
Sole Petitioner Died.
Respondent-4 brought on record as LR's of the deceased Sole Petitioner Viz Arumuga padayachi Respondent-4 Minor rep by Guardian uncle Lakshmanan vide court order dated 04/07/2023 made in CMP No.12463 of 2022 in CRP No.2009 of 2014 (Recorded)
5. P.Thirumeni

Respondent-2 Died. Respondent-5 is brought on record as LR's of the deceased R-2 Viz.Sarala



vide court order dated.06/09/2024 made in
CMP No.12945 of 2024 in CRP No.2009 of
2014

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..Respondent(s)

Respondent - 1 Died. R2- LRS of the deceased first respondent viz., Ponnambalam as per the memo dated 15.10.2015 is recorded and vide court order dated 14.06.2019 made in CRP 2009/2014.

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal orders dated 28.10.2013 passed in I.A.No.622 of 2012 in O.S.No.63 of 2004 on the file of the Additional Sub Court, Villupuram.

For Petitioner(s):

M/s.R.Meenal

For Respondent(s):

R1 And R2 - Died (steps Taken)

R-3 – Served – No appearance

R-4 Minor Parasuraman – No appearance

(R4 – Minor Rep.by Uncle Lakshmanan)

R5 – Not ready in notice

ORDER

The present Civil Revision Petition has been filed to set aside the fair and decreetal orders dated 28.10.2013 passed in L.A.No.622 of 2012 in O.S.No.63 of 2004 on the file of the Additional Sub Court, Villupuram.

2. Heard M/s.R.Meenal, learned counsel for the petitioner.



3. The petitioner had filed a suit for specific performance, in which he had earlier taken an application in I.A. No.1240 of 2004, in which an injunction was granted. However, recording a compromise between the parties, the said petition was closed. The defendants in the suit had also taken out an application seeking a direction to the plaintiff to deposit the amount towards consideration before the Court, failing which, the suit may be dismissed. The petitioner had also taken out an application in I.A. No.358 of 2005 to reopen the injunction application, which was closed. Both the aforesaid Interlocutory Applications were dismissed by the Court, against which the plaintiff as well as the defendants had approached this Court in C.R.P.No.859 and 937 of 2005 respectively. The said revision petitions were disposed of by a common order dated 21.11.2006, recording a joint memo of compromise filed by the learned counsel appearing on behalf of the parties.

4. The said joint memo of compromise dated 21.11.2006 had recorded that the plaintiff was ready and willing to deposit the balance of the sale consideration of Rs.1,50,000/- and the defendants had also agreed to execute a sale deed in favour of the plaintiff on such deposit, which was also indicated to be made on or before 05.12.2006. The said revision was again listed on 21.11.2006 under the caption "For Being Mentioned" to record the compliance of the order.



5. When the matter was listed on 21.11.2006, this Court had passed the following order made in C.R.P. Nos. 859 and 937 of 2005:

“These petitions having been posted on the Twenty Sixth day of February, 2007 under the caption “Being Mentioned” subsequent to the order of this Court dated 22.11.2006 and made herein and in the presence of the aforesaid advocates, the Court mode the following Order:

By a common order dated 21.11.2006, both the CRPs were disposed of on the filing of a Joint Memo of Compromise entered between the parties. Today, both the CRPs were taken up for being mentioned and for reporting compliance. The learned counsel for the respondent submits that they have already complied with the earlier undertaking given by them in the Joint Memo of Compromise and to prove the same the learned counsel also produced a xerox copy of the payment receipt for the sum of Rs.1,50,000/- issued by the Principal Subordinate Court, Villupuram. Therefore, it is clear that the plaintiff has to execute the sale deed in favour of the respondent as agreed in the Joint Memo of Compromise, if it is not done, so far. The above proceedings are recorded and no further orders are necessary in the CRPS.”

6. This Court had specifically recorded that the payment of Rs.1,50,000/- as agreed under the compromise memo by the plaintiff to the credit of the suit, had been made and had specifically held that it is clear that the sale deed has to



be executed and what remains is only the execution of the sale deed.

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7. After the order passed by this Court on 21.11.2006, the defendants seem to have been taken out an application to dismiss the suit on the ground of failure of the plaintiff to honour the joint memo of compromise that was filed before this Court. The said Interlocutory Application also seems to have been dismissed, in which the third petitioner had died and an application to implead the fourth petitioner as the legal heir of the deceased third petitioner seems to have been taken and the same had been allowed for effective adjudication of I.A. No. 103 of 2007.

8. In this context, it is to be noted that the Interlocutory Application filed in I.A. No. 103 of 2007 had been taken out to dismiss the suit on the sole ground that the plaintiff had failed to deposit the balance sale consideration of Rs. 1,50,000/- before 05.12.2006, after the joint memo recorded by this Court.

9. It is imperative to note that this Court, in its order dated 21.11.2006, had specifically recorded the fact that the deposit of Rs.1,50,000/- had been made, which had been substantiated by production of a payment receipt for the said amount before the learned Principal Subordinate Judge, Villupuram, and the same had also been acknowledged by the learned counsel for the defendants, who are the petitioners therein. In fact, the Court has also recorded a fact that it



is only the defendants, who have to now execute the sale deed pursuant to the deposit of the sale consideration based upon the joint memo of compromise. This itself would indicate that the dispute had been settled between the parties, which had been recorded by this Court. The subsequent events that had been recorded after filing of the application in I.A. No.103 of 2007 have not been taken note of by the trial Court and the suit itself ought to have been disposed of based upon the orders of this Court made on 26.02.2007.

10. In such view of the matter, the order impugned in this revision petition stands set aside and there shall be a direction to the Sub Court, Ulundurpet, to which, the suit in O.S.No.63 of 2004, which had been pending on the file of the Additional Subordinate Judge, Villupuram has now been transferred in O.S.No.174 of 2018, which is pending before the Sub-Court, Ulundurpet to dispose of the suit within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

01-04-2026

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

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To

1. The Additional Sub Court, Villupuram.

2. The Sub Court, Ulundurpet.

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K.KUMARESH BABU, J.

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