



CRP No. 361 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 361 of 2024 and
CMP.No.1692 of 2024**

Harakchand J.Golecha

Petitioner

Vs

B.Ishwarchand B.Tater(died)

1.Bhagwati Devi R.Tater

2.Babulal B.Tater

3.Leela Devi S.Tater

4.Pushpa Devi

5.Pinky Sri Srimal

6.Aruna Chordia

7.Surekha Kothari

8.Tarun Jain

9.Sandhya Palrecha

10.Kunal Jain

Cause title accepted vide court order

Respondents



dated 05.01.2024 made in
CMP.No.66/2024 in CRP.Sr.No.153486
of 2023

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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to allow the captioned Revision Petition, reversing the Fair and Decretal Order dated 27.07.2023 passed in I.A.No. 9198 / 2018 in O.S.No 4959 of 2015 on the file of I Additional City Civil Court, Chennai.

For Petitioner : Mr.R.Pravesh
for M/s.P.B.Ramanujam Associates

For Respondent: M/s.K.S.Sundar for R1 to R10

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioner/defendant seeking stay of further proceedings in the suit.

2. The respondents herein filed a suit for recovery of possession. The respondents claim right under sale deed dated 17-11-1995. The validity of the sale deed in favour of respondents dated 17-11-1995 was very much challenged in a connected suit filed by the petitioner in OS.No.12883 of 1996. The said suit was filed by the petitioner against the predecessor in title of the present plaintiffs namely Ishwarchand B.Tater and plaintiffs 3 and 4. In the said suit, the petitioner herein sought for decree for specific performance of agreement of sale dated 27-08-1990. Apart from the prayer, the petitioner also sought for



declaration that sale deed executed by defendants 1 and 2 therein in favour of present respondents/ plaintiffs in the suit was null and void. The said suit was decreed by the trial court. Aggrieved by the same, the respondents herein filed two appeals before High Court in A.S.Nos. 825 of 2006 and 826 of 2006. The said appeals were allowed and the trial judgment and decree were set aside. Aggrieved by the judgment passed by the High Court, the petitioner preferred an appeal in SLP(C).Nos. 22261 and 22262 of 2018. Since the special leave petitions are pending till date, the petitioner preferred an application under Section 10 of CPC seeking to stay of the proceedings in the present suit.

3. The respondents herein seeks recovery of possession. They claim title over the property under sale deed dated 17-11-1995. The validity of the sale deed is very much under dispute in a SLP pending before the Hon'ble Apex Court in SLP(C).Nos. 22261 and 22262 of 2018. The decision of the Hon'ble Apex Court with regard to the validity of the sale deed in favour of respondents will have a direct bearing on the present suit. In such circumstances, the ingredients of Section 10 of CPC are satisfied. However, the trial court, without taking into consideration the vital aspect that any decision in the SLP regarding the validity of the sale deed in favour of respondents would have a direct bearing on this suit, erroneously dismissed the application filed by the petitioner. In view of the same, the impugned order is set aside. Accordingly, the civil revision petition stands allowed. The suit in OS.No. 4959 of 2015 is stayed till the disposal of the special leave petition pending before the Hon'ble Apex



Court in SLP(C).Nos. 22261 and 22262 of 2018. No costs. Consequently, the connected miscellaneous petition is closed.

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06-01-2026

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

The I Additional City Civil Court, Chennai.



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