



C.R.P.No.982 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**C.R.P.No.982 of 2026
and
CMP.No.5290 of 2026**

1. P.C.Doraisamy
2. N.Nachimuthu

... Petitioners

Vs.

Sellammal

... Respondent

Prayer:- Civil Revision Petition filed under Section 115 of C.P.C., to set aside the fair and final order dated 13.11.2025 passed in I.A.No.3 of 2025 in I.A.No.1006 of 2010 in O.S.No.169 of 1993 on the file of Principal Subordinate Court, Erode, and allow the Civil Revision Petition.

For Petitioners : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.V.Anandhamurthy

ORDER

Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents.



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2. The petitioners are the plaintiffs in O.S. No. 169 of 1993 on the file of the learned Principal Subordinate Court, Erode, filed for specific performance of an agreement of sale dated 16.02.1992. The suit was decreed on 15.11.1996. It is the case of the petitioners that they had filed an application under Section 28(3) of the Specific Relief Act seeking extension of time for deposit of the balance sale consideration. Pending the said application, the Petitioners filed I.A. No. 3 of 2025 seeking permission to file an additional affidavit in the pending Section 28(3) application to bring certain subsequent developments to the notice of the Court.

3. The learned counsel for the petitioners submitted that a portion of the suit property was acquired by the National Highways Authority of India and that the respondent had received compensation without executing the sale deed. According to him, these subsequent developments are required to be brought on record in the Section 28(3) application. It is further submitted that only certified copies of documents and Court orders are sought to be produced and no serious prejudice would be caused to the respondent if the application is allowed.

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4. Per contra, learned counsel for the respondent submitted that the decree in the specific performance suit had stipulated one month's time for execution of the sale deed and completion of the transaction. Therefore, the contention of the petitioners that no time was fixed for deposit of the balance sale consideration is factually incorrect.

5. This Court does not propose to go into the merits as to whether the decree stipulated time for deposit of the balance sale consideration, as the same forms the subject matter of I.A. No. 1006 of 2010 pending before the learned Principal Subordinate Judge, Erode. However, this Court finds that the proposed additional affidavit relating to land acquisition proceedings and receipt of compensation does not have any direct bearing on the issue as to whether the petitioners had deposited the balance sale consideration within the time stipulated. The learned Trial Judge has rightly adverted to the relevant considerations while rejecting I.A. No. 3 of 2025. This Court does not find any perversity or illegality in the impugned order warranting interference under Article 227 of the Constitution of India.



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6. In the result, this Civil Revision Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order
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To

The Principal Subordinate Court, Erode.



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P.B.BALAJI, J.

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