



WEB COPY

CRP No. 34 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CRP No. 34 of 2026 and
CMP No.72 of 2026**

R.Murthy, S/o. Late N.Rajappa,
Thiruchipalli Village,
Thorapalli Post, Hosur Taluk,
Krishnagiri District.

..Petitioner(s)

Vs

1. Manjunath, Abbaiya @ Chinna Biddappa,
Onnupalli Village, Mungalur Post,
Hosur Taluk, Krishnagiri District.
2. Abbaiya alias Chinna Biddappa,
S/o. Kakkiappa alias Muniyappa
Onnupalli Village, Mugalur Post,
Hosur Taluk, Krishnagiri District.
3. Rajappa, S/o. Abbaiya alias Chinna Biddappa,
Onnupalli Village, Mugalur Post,
Hosur Taluk, Krishnagiri District.
4. Santhamoorthy, S/o. Abbaiya alias Chinna
Biddappa, Onnupalli Village,
Mugalur Post, Hosur Taluk,
Krishnagiri District.
5. Ammoji Amma
W/o. Abbaiya alias Chinna Biddappa,
Onnupalli Village, Mugalur Post,
Hosur Taluk, Krishnagiri District.

..Respondent(s)



Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Compromise decree dated 3.3.2015 passed in O.S.No. 168 of 2014 on the file of the Subordinate Court, Hosur.

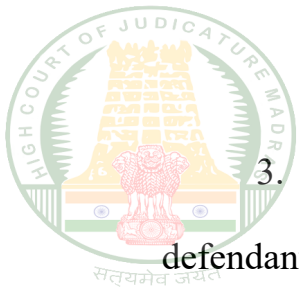
For Petitioner(s): Mr. G.Prabhakar

For Respondent(s): Mr.B.Bharath Kumar
for Mr. V.Nicholas

ORDER

This Civil Revision Petition has been filed to set aside the Compromise decree dated 03.03.2015 passed in O.S.No. 168 of 2014 by the Subordinate Judge, Hosur.

2. The petitioner is son of one N. Rajappa, who filed a suit in O.S.108 of 2012 along with his brother N.Venkatesappa before the District Munsif, Hosur seeking declaration and consequential permanent injunction restraining the defendants 1 to 4 therein from any manner entering into the suit property and also disturbing their peaceful possession and enjoyment of the same. The above said suit was decreed exparte on 08.06.2013. Subsequently on petition by the 4th defendant, the said exparte decree was set aside. Thereafter, on the demise of said Rajappa and Venkatesappa, the petitioner and others were impleaded as parties to the said suit, by order dated 22.07.2024 and now the suit in O.S.No.108 of 2012 is pending for disposal.

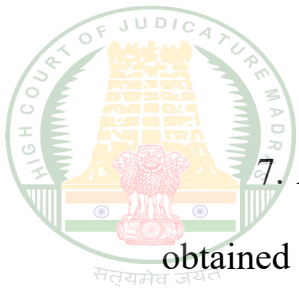


3. It is the case of the petitioner that, pending O.S.No.108 of 2012, the defendants amongst themselves, collusively brought up O.S.No.168 of 2014 on the file of the Sub Court, Hosur, without arraying the petitioner's father as a defendant in the suit. According to the petitioner, one Manjunath, the 4th defendant in O.S.108 of 2012 has filed a suit in O.S.No.168 of 2014 seeking partition, arraying other defendants in O.S.108/2012, as defendants in O.S.No.168 of 2014, and in order to trash the valuable property of the petitioner, they have conclusively entered into a compromise memo before the Lok Adalat and obtained compromise decree. Challenging the above said decree, the present civil revision petition has been filed.

4. The learned counsel for the petitioner states that the award passed by the Lok Adalat will not bind the petitioner's father or the petitioner, who has now entitled to the property, pursuant to the demise of his father.

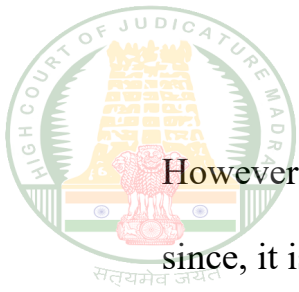
5. The learned counsel for the respondents would state that the petitioner or the petitioner's father was never in possession of the property as contended by him and the suit is being defended in a manner known to law.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondents.



7. Admittedly, the suit in O.S.No.108 of 2012 is pending and the decree obtained in O.S.No.168 of 2014 is being put against the petitioner. Since the petitioner or the petitioner's father were not arrayed as parties in O.S.No.168 of 2014, especially considering the fact that the said suit was filed after filing of O.S.108 of 2012 seeking declaration and permanent injunction, the said Lok Adalat Award will not bind the petitioner, who claims to have inherited the suit property from his father and that he was in possession till such time, the respondents have forcefully taken over possession recently. It is open to the petitioner to seek amendment of the plaint in O.S.No.108 of 2012 to include the relief of recovery of possession as admittedly, even according to the petitioner, he has lost possession. It is made clear that since neither the petitioner's father nor the petitioner were parties to the compromise decree in O.S.168 of 2014, which was admittedly brought about, pending O.S.102 of 2014, the compromise decree in O.S.168 of 2014 will not bind the petitioner. However, it is made clear that the petitioner has to independently establish his title and entitlement to declaratory relief and consequential relief of possession and permanent injunction, subject to the plaint being amended, in view of the liberty granted above.

8. The counsel for the respondents fairly states that the petitioner's right to seek possession by way of including the relief, by way of amendment, especially when larger relief of declaration is sought for, will not be opposed.



However, the respondents seek liberty to file an additional written statement, since, it is their case that the petitioner has never been in possession.

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9. In view of the above discussion, this civil revision petition is disposed of with the following directions:-

i) The compromise decree passed in O.S.No.168 of 2014 will not bind the petitioner.

ii) The petitioner shall take out an application before the trial court, seeking amendment of the plaint in O.S.No.108 of 2012 to include the relief of recovery of possession, within a period of two weeks from the date of receipt of copy of the order, which shall be ordered by the Trial court

iii) The trial court shall grant two weeks time for enabling the respondents to file an additional written statement, after the amendment to the plaint is carried out and amended copy of the plaint is filed.

iv) The trial in the suit in O.S.No.108 of 2012 shall be expedited and the suit shall be disposed of on or before 30.04.2027.

There shall be no order as to costs. Connected miscellaneous petition is closed.

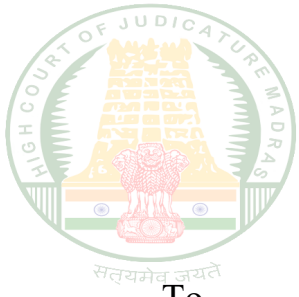
16-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST



To
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1. The Subordinate Judge, Hosur.
2. The District Munsif, Hosur.



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P.B.BALAJI, J.

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