

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYASHTA, 1937

CRP.No.319 of 2015

I.A NO.1027/2013 IN A.S NO.14/2009 OF THE DISTRICT COURT,PALAKKAD.

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PETITIONER'S/PETITIONER'S:

- 1 HARIHARAN,S/O.SIVARAMAKRISHNAYYAR,
 H.NO.39/843,(NGS 280),PANCHAGRAMAM,
 NOORANI,PALAKKAD.**
- 2. P.K.SARMA,S/O.P.SARMA,D.NO.24/362,
 (NGS 296),IRATTATHERUVU,NOORANI,PALAKKAD.**

BY ADV.SRI.P.K.MOHANAN(PALAKKAD)

RESPONDENT'S/RESPONDENT'S:

- 1. NOORANI GRAMA SAMUDAYAM,REPRESENTED BY
 PRESIDENT N.N.RAMACHANDRAN,NOORANI,
 PALAKKAD,PIN-678004.**
- 2. PALAKKAD MUNICIPALITY,REPRESENTED BY ITS
 SECRETARY,PALAKKAD,PIN-678001.**
- 3. N.R.RAMASWAMY,S/O.N.R.RAMASESHAN,
 NEW STREET,NOORANI,PALAKKAD,PIN-678004.**
- 4. PALOLI MUHAMMED ALI,S/O.KUNJU MUHAMMED,
 KOOTILANGADI,PERINTHALMANNA,
 MALAPPURAM DISTRICT,PIN-676506.**

**THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

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C.R.P. No.319 of 2015
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Dated this the 12th day of June, 2015

ORDER

The petitioners have approached the court below to get themselves impleaded in the suit, which has already been compromised. At the time when the IA was filed, the compromise was not entered into. The claim of the petitioners is that the suit was proceeded with in a representative capacity as the plaintiff is a society registered under the Society Registration Act, 1860.

2. The present claim of the petitioners is that a compromise was entered into between the parties while the matter was pending in appeal and for entering into such a compromise, the leave of the court was not obtained as contemplated under Order XXIII Rule 3B of the CPC. The

representative suit has been defined in the explanation to Order XXIII Rule 3B(2) of CPC. Whether a particular society will come within the purview of the said explanation is a matter to be looked into. In case it is a representative suit within the meaning of the said provision, the decree obtained without leave of the court shall be void. What ever it is, the petitioners have not chosen to challenge such a decree already passed. What is under challenge is the dismissal of their application to get themselves impleaded in the suit. The present application is devoid of merits. Hence, this CRP is only to be dismissed.

In the result, with liberty to the revision petitioners to challenge the compromise decree, if it was passed in violation of the provisions of law, the CRP is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge