

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)Nos.336 and 337 of 2015

1. A. Gunasekaran
2. Chandra
3. Manoranjitham
4. A. Nirmala
5. A. Shanthi

.... Petitioners in both the revision petitions

vs

1. Kannammal
2. N. Velu
3. N. Subramani
4. Jayanthi
5. Minor V. Deebakkannan
6. Minor V. Gayathri
(Minors 5r and 6 are represented by their
father Guardian N.Velu (2nd respondent)
7. Minor.R. Bharathkumar
8. Minor.R. Thenmozhi
(Minors 7 and 8 rep by their father Guardian
Ravichandran)
9. Minor Bharanisri
(rep by her father and guardian Subramani)

10.A. Natesan

... Respondents in both the revision petitions

Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and final order dated 18.9.2014 in U.N.I.As of 2014 in I.a.No.750 of 2014 O.S.No.83 of 2012 and on the file of Subordinate Court, Sankari.

For Petitioners in : Mr.M. Balasubramanian
both the petitions

For respondents in: Mr.R. Srinivasalu
in both the petitions

COMMON ORDER

The plaintiffs in O.S.No.83 of 2012 on the file of Subordinate Court, Sankari, have filed the above Civil Revision Petitions, challenging the order passed by the trial court in unnumbered IA Nos. of 2014 in I.A.No.750 of 2012 in O.S.No.83 of 2012 on the file of Subordinate Court, Sankari.

2. After passing of the final decree in the suit in O.S.No.83 of 2012, the plaintiffs filed an application under Sec.152 of Civil

Procedure Code to amend the final decree passed in O.S.No.83 of 2012 and another application under Order 6 Rule 17 of Civil Procedure Code to amend the Memorandum of Compromise, filed by the parties before the trial court.

3. In the affidavit, filed in support of the petition, the plaintiffs have stated that there are some typographical errors in both the Memorandum of Compromise and in the final decree, passed in O.S.No.83 of 2012. Further, they have stated that unless the mistakes, that are crept-in in the compromise memo and the final decree are rectified, the parties will be put to hardhsip. The Trial Court had rejected both the applications, even without numbering the same.

4. Mr.R. Srinivasalu, learned counsel appearing for the respondents submitted that the respondents have no objection in allowing both the applications since it would be beneficial for all the parties.

5. It is a settled position that the Courts below should not

dismiss the application even without numbering the same. In the case on hand, the trial court had rejected the applications and passed a detailed order, even without numbering the applications.

6. Having regard to the submissions made by the learned counsel on either side and also taking into consideration the submissions made by the learned counsel for the respondents, I direct the Subordinate Court, Sankari to number both the applications and allow the same.

7. With the above observation, both the Civil Revision Petitions are allowed. No costs.

21-04-2015

sr
Index:no
website:yes

To

The Subordinate Court, Sankari

M. DURAISWAMY,J.,

sr

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