



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) (PD)No.1866 of 2017

and

C.M.P. (MD)No.9745 of 2017

1.S.Dhanalakshmi

2.C.S.Vadivel

3.Marimuthu

...Petitioners/Petitioners/
Defendants 1, 2. 4

Vs.

N.Kanthaiah Gunasekaran

...Respondent/Respondent/
Defendants

PRAYER:- Civil Revision Petition filed under Article 115 of the Civil Procedure Code, to call for the records pertaining to the fair and decreetal order dated 13.09.2017 made in I.A.No.372 of 2017 in O.S.No.152 of 2015 pending on the file of the Subordinate Judge, Thirumangalam and set aside the same.

For Petitioner : Mr.R.Ganesan

For Respondent :Mr.P.T.S.Narendravasan

ORDER

This Civil Revision Petition is filed to call for the records pertaining to the fair and decreetal order, dated 13.09.2017 made in I.A.No.372 of 2017 in O.S.No.152 of 2015, pending on the file of the learned Subordinate Judge, Thirumangalam and set aside the same.

2. The respondent herein filed the suit in O.S.No.152 of 2015 on the file of the Sub Court, Thirumangalam, against the petitioners herein for declaration of title and for recovery of possession. Since the respondent borrowed Rs.1,35,000/- from petitioners 1 and 2 on various dates, the respondent's suit property was handed over to the petitioners 1 and 2 in lieu of interest. On 01.06.2016 ex parte decree was passed in O.S.No.152 of 2015 on the file of Sub Court, Thirumangalam and the respondent herein was directed to deposit a sum of Rs.1,35,000/- and on such deposit, the petitioners 1 and 2 has to hand over the suit property to the respondent. On 14.10.2016 the respondent deposited a sum of Rs.1,35,000/- in the Court. Since the possession was not handed over, the respondent filed E.P.No.76 of 2017. In the said Execution Petition also the petitioners remained ex parte. Subsequently, the petitioners filed I.A.No.372 of 2017 in O.S.No.152 of 2015 to condone the delay of 408 days in filing the



petition to set aside the ex parte decree and the same was dismissed on 13.09.2017 and against the said order, the above revision was filed by the petitioners.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioners and the respondent would submit that both the parties have settled their dispute amicably out of Court at the instigation of elders and well wishers and they have also entered into a compromise. A joint compromise memo, dated 24.11.2017, signed by the parties concerned in the presence of their respective counsels is produced before this Court.

4. Recording the same, the Civil Revision Petition is closed. The Joint Compromise memo, dated 24.11.2017 will form part of this proceeding. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

ENCL:XEROX COPY OF JOINT COMPROMISE MEMO FILED BY RESPONDENT
To

1.The Subordinate Judge,
Thirumangalam,Madurai District.

2.Do through Principal District Judge,Madurai.

+1cc to Mr.R.GANESAN,Advocate,SR. 89218

C.R.P (MD) No.1866 of 2017 (PD)
and
C.M.P. (MD) No.9745 of 2017
24.11.2017

DAS/TRP

KK/SKN RSK/SAR 1/21.12.2017/ 2P- 4C/