



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (MD) No.69 of 2017 (PD)

M.Lalitha

... Petitioner/Petitioner/
plaintiff

Vs.

The Executive Officer,
Lalgudi Selection Grade Panchayat,
Lalgudi,
Trichy District.

... Respondent/ Respondent
/Defendant

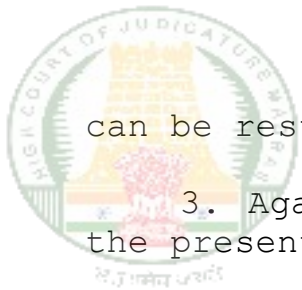
Civil Revision Petition filed under Article 227 of the Constitution of India, against the docket order dated 03.11.2015, passed in I.A.(SR)No.207 of 2013 in O.S.No.143 of 2006, on the file of the District Munsif Court, Lalgudi.

For Petitioner : Mr.M.Siddharthan

ORDER

This Civil Revision Petition has been filed against the docket order dated 03.11.2015, passed in I.A.(SR)No.207 of 2013 in O.S.No.143 of 2006, on the file of the District Munsif Court, Lalgudi.

2. The petitioner is the plaintiff and the respondent is the defendant in the suit in O.S.No.143 of 2006 on the file of the District Munsif Court, Lalgudi. The petitioner filed the suit for declaration and permanent injunction against the respondent. The said suit was dismissed on 23.09.2013, by the learned District Munsif, Lalgudi, as settled out of Court. The petitioner filed I.A.SR.No.207 of 2013 to restore the suit on file in order to file a memo of compromise and to record the same. The said application was returned on the ground that the suit was dismissed on 23.09.2013 as settled out of Court and to state as to how the suit



can be restored under Order IX Rule 9 C.P.C.

3. Against the said return, the petitioner has come out with the present Civil Revision Petition.

4. The learned counsel for the petitioner submitted that there was a compromise talk between the petitioner and the respondent and it was agreed that compromise memo would be filed into Court. But, the learned District Munsif, Lalgudi, dismissed the suit as settled out of Court on 23.09.2013 without recording the compromise memo. If the compromise memo is not recorded and if there is any change in the authority, they may go back on the compromise arrived and therefore, he prayed for allowing the Civil Revision Petition, permitting the petitioner to file I.A. to restore the suit.

5. I have heard the learned counsel for the petitioner and perused the materials available on record.

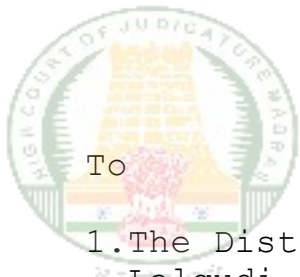
6. From the materials available on record, it is seen that pending suit, the matter was compromised and was dismissed by the learned District Munsif on 23.09.2013 as settled out of Court. The compromise arrived at between the parties is to be reduced into writing to be filed into Court. Only by recording the said compromise memo, orders can be passed accordingly.

7. According to the petitioner, the petitioner filed application to restore the suit. No compromise memo was filed and unless the compromise memo is recorded, the petitioner would be put to irreparable loss and therefore, she filed the application to restore the suit. The present application to restore the suit is not maintainable, as the said suit was dismissed as settled out of Court on the representation by the counsel for the parties. Therefore, the learned District Munsif has rightly raised a query as to the maintainability and returned the application to state how the suit can be restored under Order IX Rule 9 C.P.C. There is no irregularity or illegality in the order passed by the learned District Munsif, Lalgudi, warranting interference by this Court.

8. In the result, the Civil Revision Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-I)

/True copy/



To

1. The District Munsif,
Lalgudi, Trichy District.

2. The Executive Officer,
Lalgudi Selection Grade Panchayat,
Lalgudi,
Trichy District.

Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

SMN2
PSM/CM-MSA/SAR3/03.02.2017/3P/4C

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