



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.04.2018
CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

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C.R.P. (MD) No.1630 of 2015 and
M.P. (MD) No.1 of 2015

1. S.Veerabhagu
2. V.Naatchiyar Ammal

... Petitioners/Petitioners/
Respondents 5&7/Defendants 5&7

Vs.

1. S.Sudalaimani

... 1st Respondent/1st Respondent/
Petitioner/Plaintiff

S.V.Subramani Pillai (died)
Sankaravadiammal (died)
Shanmugavelayutham (died)
Kuppusamy (died)

2. Loganayaki @ Logu Ammal

3. Canara Bank,
Srivakuntam Branch,
Represented through its Branch Manager,
Srivaikuntam, Tuticorin District.

4. Tirunelveli Circle Co-operative Housing Society,
T.N.V.H.S.G.39,
Represented through its Secretary,
Office at No.120,
Shenbagampillai Rettai Street,
Tirunelveli Town.

Somu Pillai (died)

5. Velammal
6. Meenakshi
7. Muthulakshmi
8. K.Uma
9. K.Subha
10. Subbulakshmi @ Alli
11. S.V.Subramanian
12. S.Seetha Gomathi

.... Respondents 2 to 12/
Respondents 6 to 8, 10 to 17/
Respondents 6 to 8, 10 to 17/



Defendants 6 to 8, 10 to 17

(Respondents 2 to 9 are set exparte,
hence notice to them may be dispensed with)

Prayer: Civil Revision petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 24.07.2015, passed in I.A.No.245 of 2015 in I.A.No.262 of 2012 in O.S.No.101 of 1992 on the file of the Subordinate Court, Ambasamudram.

For Petitioners	:Mr.H.Arumugam
For R-1	:Mr.R.Manimaran
For R-10&R-11	:Mr.S.Satheesh Kumar
For R-2 to R-9 & R-12	:No appearance.

O R D E R

Challenging the order passed by the learned Subordinate Judge, Ambasamudram, in I.A.No.245 of 2015 in I.A.No.262 of 2012 in O.S.No.101 of 1992, dated 24.07.2015, this Civil Revision petition has been filed.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for respondents 1, 10 and 11.

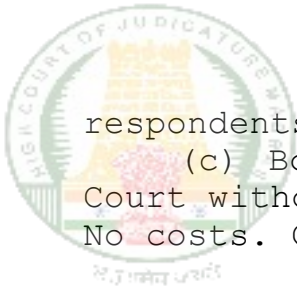
3. The first respondent herein filed a suit in O.S.No.101 of 1992 on the file of the Subordinate Court, Ambasamudram. A preliminary decree was passed in the said suit. The petitioners who are defendants 5 and 7 filed an application in I.A.No.No.245 of 2015 in I.A.No.262 of 2012 in O.S.No.101 of 1992, to set aside the order of exparte, dated 27.06.2012 as against the petitioners. The trial Court dismissed the said application. Aggrieved over the same, the present Civil Revision petition has been filed.

4. It is brought to the notice of this Court that all the parties are ready to compromise before the Court below. Therefore, the respondents also have no objection for allowing this application.

5. Considering the nature of prayer sought for in this case, this Court is inclined to pass the following order:-

(a) the Civil Revision petition is allowed and the order passed by the learned Subordinate Judge, Ambasamudram, in I.A.No.245 of 2015 in I.A.No.262 of 2012 in O.S.No.101 of 1992, dated 24.07.2015, is set aside.

(b) the learned Subordinate Judge, Ambasamudram, is directed to pass appropriate orders on or before 30.06.2018 in I.A.No.262 of 2012 in O.S.No.101 of 1992 filed for final decree, based on the compromise entered into by the petitioners as well as the



respondents.

(c) Both the parties are directed to appear before the trial Court without fail.

No costs. Consequently, connected Miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Ambasamudram.
2. The Record Keeper,
V.R.Section, (2 Copies)
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.H.Arumugam, Advocate in SR.No.62135,
+1CC to Mr.R.Manimaran, Advocate in SR.No.61815.

PMU

DS/SV/MMS/SAR-3 :15.05.2018: 3P/6C

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