



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.09.2018
CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.2063 of 2017

and

C.M.P. (MD) No.10244 of 2017

WEB COPY

1. Arumugham Pillai
2. Krishnapillai
3. Sivakumar
4. Karthikeyan
5. Nagarajan
6. Arumugha Prasad

... Petitioners/Petitioners/
Plaintiffs

Vs.

1. Arumugham Pillai
2. Easwaradhas
3. Ramadhas
4. Velmurugan
5. Easwara Pillai
6. Lakshmi
7. Swarnalatha
8. Uma
9. Maheswari

(R-6 to R-9 are impleaded
vide order in I.A.No.323 of 2013,
dated 17.03.2016

... Respondents/Respondents/
Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.286 of 2007 in O.S.No.102 of 2006, dated 20.06.2017 on the file of the learned Subordinate Judge, Padmanabhapuram and allow this Civil Revision petition.

For Petitioners : Mr.D.Saravanan
For R-4 to R-8 : Mr.V.M.Balamohan Thambi

O R D E R

The plaintiffs in O.S.No.102 of 2006 on the file of the Sub Court, Padmanabhapuram, are the Revision petitioners herein. It is a suit for partition. In the said suit, the plaintiffs filed I.A.No.286 of 2007 for amending the suit schedule and for including the other items of the property. The Court below by order dated 20.06.2017 dismissed the said application. The same is under challenge in this Civil Revision petition.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard the learned counsel on either side.



3. The learned counsel appearing for the Revision petitioners reiterated the contentions set out in the memorandum of grounds.

4. As rightly pointed out by the learned counsel appearing for the contesting respondents, the plaint was filed on the basis that the plaint schedule property originally belonged to the first defendant Arumugham Pillai and that it was obtained by him in compromise decree in O.S.No.21 of 1996 on the file of the Sub Court, Padmanabhapuram.

5. It is the case of the plaintiffs that it is a joint family property and that they are entitled to equal shares therein. The case of the plaintiffs is that they are jointly entitled 6/11 shares in the suit property. Having moved this Court on this basis, the plaintiffs now virtually seek to reopen the compromise decree. That would be to introduce an internal inconsistency in the very plaint itself. The Court below has observed that the cause of action of the present suit arose out of the compromise decree in O.S.No.21 of 1996, dated 15.04.1999. The plaintiffs cannot be allowed to revisit or go beyond the terms of the compromise decree.

6. Therefore, affirming the reasons given by the Court below, this Court dismisses this Civil Revision petition. The Civil Revision petition stands dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

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

+1cc to Mr.D.Saravanan, Advocate Sr.No.84496

+1cc to Mr.V.M.Balamohan Thambi, Advocate Sr.No.84487

pmu

VB/SKN/SAR4/31.10.2018/2P/6C

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