

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(NPD).No.4815 of 2017

&

C.M.P.No.22759 of 2017

Kandayammal

...Petitioner

Vs

1.V.P.Sekar

2.S.Sudha

3.Sathiya

4.Loganathan

5.Ramesh

6.Suresh

7.L.Selvamani

8.Tamilselvi

... Respondents

WEB COPY

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order in Lok Adalat Case No.1297 of 2017 in O.S.No.231 of 2016 dated 20.09.2017, on the file of the III Additional District Court, Salem.

For Petitioner : Mr.V.K.Vijayaragavan
For Respondents 1 to 3 : Mr.T.R.Rajagopalan
Senior Counsel
for Mr.S.Kalyanaraman
For Respondents 4 to 8 : Mr.N.Manokaran

ORDER

The above Civil Revision Petition is filed invoking the Provisions of Article 227 of the Constitution of India, challenging the compromise decree that had been passed pursuant to mediation before Lok Adalat in O.S.No.231 of 2016 on the file of the III Additional District Court, Salem. The revision petitioner before this Court was the 2nd plaintiff in the suit. She has alleged that her two sons particularly the 2nd son, who was the 1st plaintiff therein had exercised undue influence over her and had

fraudulently made her affix her thumb impression on the compromise memo before the Lok Adalat. It is her case that she was not aware that the document was a compromise decree.

2.It is her specific case that she was not called into the room where the Lok Adalat was held and that her thumb impression were all obtained outside the hall and she was also not made aware about the contents of the compromise. Thereafter, the decree was passed on 20.09.2017 and it is the case of the petitioner that within months of getting the signature in the compromise, she was thrown out of her home by her 2nd son. It is only thereafter, that she came to know about the true contents of the document which she had been asked to sign. Therefore she would come before this Court to have the compromise decree set aside.

3.Considering the fact that for such serious allegations of fraud, evidence has to let in by the parties, this Court after consulting the counsels concerned has decided to direct the revision petitioner to approach the Court which passed the

compromise decree namely the III Additional District Court, Salem in O.S.No.231 of 2016, to set aside the compromise decree on the ground of fraud and undue influence and threat.

4.The Counsel for the petitioner undertakes to file the application within a week from the date after the Court resumes post vacation. The learned Judge is directed to dispose of the said petition within a period of two months thereafter, after giving due opportunity to the respondents to submit their counter and the parties to let in evidence.

The above Civil Revision Petition is disposed of on the above lines. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

सत्यमेव जयते

26.04.2019

kan

Index : Yes/No

Speaking order/non-speaking order

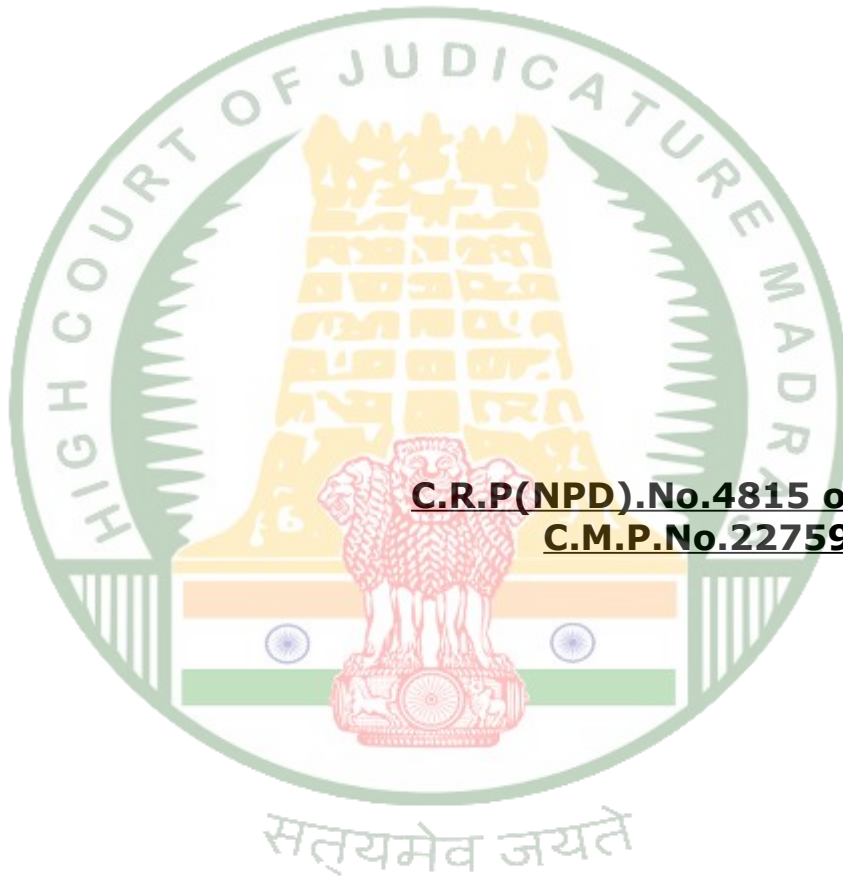
Note: Issue order copy on 29.04.2019.

To,

The III Additional District Judge, Salem.

P.T.ASHA, J.,

kan



**C.R.P(NPD).No.4815 of 2017 &
C.M.P.No.22759 of 2017**

WEB COPY

26.04.2019