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CRP.(NPD).No.99/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

CRP.(NPD)No.99 of 2019

J.Subramani

...Petitioner/1st Plaintiff

Vs

1.R.Unnamalai

2.J.Subramani
(Impersonator)

3.B.Mugilan

4.K.Saleem

5.R.Sankar

6.E.Malliga

.....Respondents

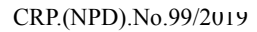
PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set-aside the Judgement and Decree passed on 28-04-2018 in O.S.No.81 of 2016 by District Munsif Court, Ambattur.

For Petitioner : M/s.A.Sumathy

For R1 : M/s.G.K.Sekar

For R2-R5 : Given Up

For R6 : M/s.S.Sajini



The plaintiff has laid the suit *inter alia* for cancellation of as many as five documents, each pertaining to each of the 5 defendants. While so, on 28.04.2018, the 2nd plaintiff and the 5th defendant have entered into a compromise and the Compromise Memo was submitted before the Court for making it a rule of the Court. On the same day, the Court has passed a decree as if the entire suit was compromised. This order of the trial Court is now being challenged.

2. Heard the learned counsel for the Revision Petitioner and the learned counsel for the respondents.

3. There is an apparent error on the face of the record when the 2nd plaintiff has entered into compromise with the 5th defendant pertaining to particular document relatable to the 5th defendant which is detailed in Paragraph No. 19 of the plaint, and is covered by 'E' relief in the plaint. The trial Court ought to have appreciated that part only of the cause of action vis-a-vis the 5th defendant, alone has been compromised, and it was therefore, in error in



CRP.(NPD).No.99/2019

holding that the entire suit was compromised.

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4. This Court therefore modifies the order of the trial Court dated 28.04.2018 and modifies Sl.No.1 of the decree as below:

That the suit is hereby decreed as concerning the 5th defendant in the suit and as pertaining to relief (e) in paragraph 19 of the plaint. The suit as against the defendants 1 to 4 however will be alive.

5. With the above direction, the civil revision petition is disposed of. No cost.

14.03.2022

Index : Yes/No
Speaking Order/Non Speaking Order
msv/dk

To
The District Munsif Court,
Ambattur



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N.SESHASAYEE, J.,

msv/dk

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