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CRP.(PD).No.1478/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

CRP.(PD)No.1478 of 2021

Sasikala

... Appellant/Plaintiff

Vs

Revathi

...Respondent/Defendant

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 06.02.2019 passed by the Additional District Judge No.2 at Kancheepuram in O.S.No.110/2015 and restore the same.

For Petitioner	:	Mr.S.Shanmuga Raja
For Respondent	:	No appearance

ORDER

The present Revision is filed to set aside a docket order dated 06.02.2019 passed by the Additional District Judge at Kancheepuram in O.S.No.110 of 2015 that the suit in O.S.No.110 of 2015 pending on its file was

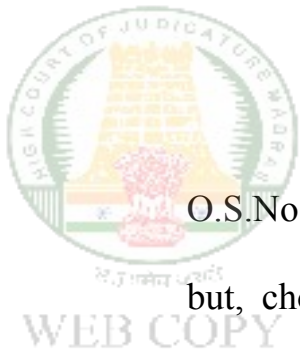


compromised.

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2.The background of the present Revision is as follows; There was a suit in O.S.No.61 of 2015 which was pending on the file of the Additional District Judge (FTC), Kancheepuram, and between the same parties to that suit there was yet another suit in O.S.No.110 of 2015 that was pending before the District Munsif Court, Kancheepuram. Both suits were transferred to II Additional District Court, Kancheepuram Vide orders of the Principal District Judge dated 06.02.2016 in Transfer O.P.No.44 of 2015. Pursuant to that order, O.S.No.61 of 2015 pending on the file of Additional District Judge (FTC), Kancheepuram was transferred to the transferee Court whereas, O.S.No.110 of 2015 of District Munsif Court, Kancheepuram was not transferred. While this be so, parties to O.S.No.61 of 2015 referred to above and O.S.No.110 of 2015 chose to resolve their differences and have compromised the matter. So far, there is no confusion.

3. The confusion arose regarding the recording of the compromise in the docket of the plaint by the Court. To state it in detail, the Court concerned ought to have recorded the compromise either in O.S.No.61 of 2015 or in



O.S.No.110 of 2015 pending before District Munsif Court, Kancheepuran, but, chose to record it in certain O.S.No.110 of 2015 which was already pending on the file of II Additional District Court, with whose cause of action, the parties have little O.S.No.61 of 2015 or O.S.No.110 of 2015 on the file of District Munsif Court, Kancheepuram, have little to do.

3.This Court has called for the remarks of the Officer and ascertained the mistake created and a report dated 18.08.2021 is received wherein, the learned Judge has conceded that an endorsement of compromise was wrongly made in O.S.No.110 of 2015 between Sasikala and Revathy, which is still pending on the file of its Court and that it was a mistake.

4.This Court therefore, allows this Revision, strikes of the endorsement made in O.S.No.110 of 2015 pending on the file of II Additional District Judge, Kancheepuram between Sasikala and Revathy, and further required to make a docket endorsement of the compromise in O.S.No.61 of 2015 and the suit connected therewith, if the same had not been already done. No costs.

5.The learned District Judge is now required to post O.S.No.110 of 2015



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(between Sasikala and Revathy), after giving notice to the learned counsel for either of the parties.

16.03.2022

Index : Yes/No
Speaking Order/Non Speaking Order
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N.SESHASAYEE, J.,

Tsg

To
The Additional District Judge No.2,
Kancheepuram.

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