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C.R.P.(PD) No.2342/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD)No.2342 of 2022

Saroja

...

Petitioner

Vs.

1.Rajalakshmi
2.Chandramani
3.Ramasamy

...

Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Principal District Judge at Namakkal to number the unnumbered IA.Sr.No.7677 of 2022 returned on 11.07.2022 in OS.No.20 of 2014 and record the compromise arrived between the parties pending on the file of Principal District Judge at Namakkal.

For Petitioner : Mr.C.B.Murali Krishnan

ORDER

The Civil Revision Petition has been filed challenging the written order of the learned Principal District Judge, Namakkal dated 11.07.2022 made in IA.SR.No.7677/2022 in OS.No.20 of 2014.



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2. The civil revision petitioner is the 1st defendant in the suit filed by the 1st respondent/plaintiff for partition. During the pendency of the said suit, the 3rd defendant filed a petition to reject the plaint and the same was allowed. But the 1st defendant has preferred an Appeal challenging the order passed in IA.No.132 of 2015 in AS.No.384/2021 before this Court and the same was disposed of on 04.03.2022 in which the order of the learned Trial Judge in rejecting the plaint was set aside and the parties were allowed to file their pleadings before the Trial Court. Consequential to the said order, the suit got restored. During the pendency of the proceedings the parties entered into compromise among themselves and filed a compromise petition for recording the compromise. However the learned Trial Judge returned the said petition by stating that in the order passed by the High Court in AS.No.384/2021, a direction has been given to file pleadings and to frame issues and subjected the parties to trial. Aggrieved over the same, this revision has been preferred.

3. The records would show that the learned counsel for the 1st



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defendant has represented the petition by making an endorsement that the above return was not needed when the parties had opted to compromise the issue among themselves.

4. It is submitted by the learned counsel for the revision petitioner that the Court refused to receive the represented petition. Even though the high Court had given direction in the order passed in AS.No.384/22021 that the parties should be given the liberty to file their pleadings and the Court shall frame issues and try the suit, that can be only understood when the parties opted to contest the suit. But when the parties arrived at a settlement among themselves and have reduced the terms of settlement in writing and filed it in the Court to record the same, the trial Court ought to have taken the petition on file and then disposed it in accordance with law. Since the learned trial Judge had confused himself about the direction given by the High Court in the earlier order made in AS.No.384/2021, I feel it is appropriate to direct the learned Trial Judge to take the petition on file and dispose it in accordance with law.

5. It is worthwhile to mention that even if the Trial Courts sometimes



are not satisfied with the representation endorsement of the counsels, the counsels are at liberty to request the registry to place it before the open Court for making submissions about its maintainability.

6. In the result, the civil revision petition is allowed. The learned trial judge is directed to take the compromise petition on file, if otherwise in order and dispose of it in accordance with law. Since the original petition itself has been filed in the revision petition, the registry is directed to return the same by replacing it with a copy for the purpose of enabling the revision petitioner to present it before the trial Court within a period of two weeks from the date of receipt of copy of this order. No costs.

27.07.2022

Index : Yes/No
Speaking Order : Yes / No
jrs



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R.N.MANJULA, J.,

jrs

- To
1. The Principal District Judge at Namakkal.
 2. The Section Officer,
VR Section, Madras High Court,
Chennai.

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27.07.2022