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CRP.No.3281 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.3281 of 2018 and
CMP.No.18610 of 2018

M.Murugasamy

... petitioner

Vs.

Marappa Gunder(died)

1.Angathal

2.Nagathal

3.Radhamani

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of CPC to set aside the fair and decretal order dated 04.03.2014 made in IA.No.31 of 2012 in OS.No.101 of 2003 on the file of the V Additional District Sessions Court, Coimbatore and to allow the above civil revision petition.

For Petitioner : Mr.C.Prabakaran

For Respondents

For R2&3: Mr.S.Mukunth

ORDER

This civil revision petition is filed as against the fair and decretal order dated 04.03.2014 made in IA.No.31 of 2012 in OS.No.101 of 2003 on the file of the V Additional District Sessions Court, Coimbatore, thereby dismissed the petition filed to set aside the compromise decree.



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2. Heard, Mr.C.Prabakaran, the learned counsel for the petitioner and Mr.S.Mukunth, the learned counsel for respondents 2 & 3.

3. The petitioner is the plaintiff, who filed suit for partition. While pending the suit, the petitioner and the respondents have entered into compromise and filed compromise memo before the trial court. In terms of the compromise memo, the court below decreed the suit. The court below also recorded the presence of the parties and obtained signatures before the court. In view of the said compromise entered between the parties, preliminary decree was passed in terms of the compromise by the judgment and decree dated 11.09.2003. After period of eight years, on 09.10.2011, the petitioner has come forward with the petition to set aside the compromise decree only on the ground that the other parties have cheated him. Therefore, the court below rightly dismissed the petition on the ground that the petitioner failed to make out any ground to set aside the compromise decree. That apart, the petitioner was allotted his respective share as per the compromise. As such, this Court finds no infirmity or illegality in the orders passed by the court below.



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4. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

08.12.2022

Speaking/non-speaking
Index : Yes/No
Internet : Yes
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G.K.ILANTHIRAIYAN, J.

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To

The V Additional District Sessions Court,
Coimbatore

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