



C.R.P. No. 64 of 2023

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T.V.THAMILSELVI, J.

This matter is taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the revision petitioners.

2. The learned counsel for Revision Petitioners would submit that this Court by an order dated 17.10.2023 allowed the above C.R.P.. However, the learned counsel would submit that in the order, while transferring the suit in O.S.No.4815 of 2012, the other suits are not mentioned. Accordingly, the matter is listed today.

3. Heard the contentions of learned counsel for revision petitioners and perused the order.

4. Considering his submissions, at the end of para 5 of the order, the portion of the order shall be substituted as follows :-



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“In the interest of justice, in order to avoid further complication, this Court is inclined to transfer the suits in O.S.Nos.4815 of 2012, 6104 of 2013 and 40 of 2016 pending on the file of the VIII Asst. City Civil Court, Chennai to XVII Asst. City Civil Court, Chennai. Further, the VIII Asst. City Civil Court is directed to send the bundles to the XVII Asst. City Civil Court, Chennai as early as possible. No costs. Consequently, connected Civil Miscellaneous Petition is closed.”

5. Registry is directed to incorporate above correction in the Order of this Court in C.R.P.No. 64 of 2023 dated 17.10.2023 and issue fresh order copy to the Revision Petitioners.

08.11.2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 64 of 2023
& CMP No. 506 of 2023

1.Pugazhendhi
2.Shanthi

...Petitioners/Petitioners/Plaintiffs

Vs.

1.N. Sundaram
2.S. Jaganathan

3.Venkatesan
4.C.S.Meganathan

....Respondents/Respondents/Defendants

PRAYER : This Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order and decreetal order passed in I.A No. 4 of 2022 in O.S No. 4815 of 2012 dated 09.12.2022 on the file of learned VIII Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.R.Raman Laal
For Respondents : Mr.R.Ravindran



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ORDER

This petition has been filed to set aside the order and decreetal order passed in I.A No. 4 of 2022 in O.S No. 4815 of 2012 dated 09.12.2022 on the file of learned VIII Assistant Judge, City Civil Court, Chennai.

2. The petitioner herein filed I.A No. 4 of 2022 in O.S No. 4815 of 2012 on the file of VIII Assistant judge, City Civil Court, Chennai, to call for the original memo of compromise dated 14.09.2006 from the file of the learned III Assistant Judge, City Civil Court, Chennai, stating that there is interpolation in the said compromise memo dated 14.09.2006, to prove the same the petitioner needs the same. The respondent objected the petitioner's submission stated that the certified copy of the said compromise memo was already marked as Ex.A17 and Ex.B10 by both parties hence there is no need to call for the original records prays to dismiss the petition. On considering the submission on either side the Trial Court held that the above compromise memo was already marked by both parties hence there is no necessity to call for records. Accordingly, the said petition was dismissed by the Trial Court.



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Aggrieved over the same, the revision petitioner filed this petition.

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3. The learned counsel for the petitioners submits that the suit was filed for the relief of declaration more particularly to declare settlement deed as well as compromise decree in O.S No. 6360 of 2022 as null and void. Now, the Trial was begun plaintiff side evidence closed, he wants to call for the original compromise memo. The reason assigned by the petitioners is that there is interpolation in the said compromise memo hence in order to mark the same he filed the said petition.

4. The learned counsel for the respondents submits that the said compromise was already marked by both parties hence there is no necessity to call for the said compromise memo and the same was rightly appreciated by the Trial Court.

5. Considering the submissions on either side and also on perusal of records, it reveals that the petitioner filed a suit for declaration in respect of compromise decree further he pointed out that some interpolation in the compromise memo. Based on the said memo decree was passed in O.S No. 6367 of 2003, challenging the validity of the said decree the petitioner filed the suit and in order to prove his claim and the said document is necessary but the Trial Court failed to appreciate those



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2. The XVII Assistant City Civil Court, Chennai.

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T.V.THAMILSELVI,J.

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