



C.R.P. No. 534 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 534 of 2022
and
C.M.P. No. 2792 of 2022

1. Chellamariappan,
S/o. Late Subbaiah
2. Thangam,
W/o. Chellamariappan

... Petitioners

Vs

Chinnusamy,
S/o. Arumugam @ Dharman

... Respondent

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order dated 25.11.2021 made in I.A.No. 1 of 2021 in I.A.No.629 of 2019 in O.S.No. 247 of 2013 on the file of learned III Addl. District Court, Salem by allowing this C.R.P.



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For Petitioners : Mr.N.Manoharan

For Respondent : Mr.P.Jagadeesan

ORDER

Challenging the impugned order passed in I.A.No.1 of 2021 in I.A.No.629 of 2019 in O.S.No. 247 of 2013 by the learned III Addl. District Judge, Salem, the defendants preferred this Civil Revision Petition

2. In the suit, the defendants were remain exparte and to set aside the same, the defendants filed an application in I.A.No.629 of 2019 and the same was allowed with a direction to pay the cost, but the cost was not paid in time. Hence, for extension of time, they have filed an application in I.A.No. 1 of 2021 under Sec.148 of C.P.C., but the same was dismissed. Challenging the same, the present Civil Revision Petition was filed.

3. Today, when the matter taken up for hearing, both learned counsel for petitioners as well as respondent appeared and submitted that the matter was settled between the parties and the defendants have paid one time



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settlement to the plaintiff. Therefore, to record the compromise decree, the order passed by the trial judge is liable to be set aside. Accordingly, the order passed by the trial judge is set aside and defendants are directed to comply the order passed in I.A.No. 629 of 2019 within a period of two weeks from the date of receipt of this order and subsequently, after setting aside the exparte decree, both parties are directed to file their compromise memo to record their settlement and the plaintiff is directed to take steps to get refund of court fee as per manner known to law, since the matter is settled out of court. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27.03.2023

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

To

III Addl. District Judge,
Salem.

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T.V.THAMILSELVI, J.

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