



WEB COPY



CRP Nos.511 & 512 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.Nos.511 & 512 of 2012

CRP.No.511 of 2012;-

Gnanam Ammal

..Petitioner

Vs.

Subramanian (Died)

1.Jayaraman

2.Raghupathy

3.Ekanathan

4.Natarajan

5.Kumar

6.Shanthi

7.Uma

8.Viji

9.Lilly

10.Sundaralakshmi

11.Arul

12.Krishnakumari

13.Jothi

14.Jayalakshmi

..Respondents

[R1 to R4 and 9 to 14 are not necessary parties to the civil revision petition. Hence, notice may be dispensed with.]

CRP.No.512 of 2012;-

Gnanam Ammal

..Petitioner

Vs.

Subramanian (Died)



CRP Nos.511 & 512 of 2012

1.Jayaraman
2.Raghupathy
3.Ekanathan
4.Natarajan
5.Sundaralakshmi
6.Arul

..Respondents

[R1 to R5 are unnecessary parties
for this civil revision petition.
Hence, notice may be dispensed
with.]

Common prayer: Civil Revision Petitions filed under Section 115 of Code of Civil Procedure, to set aside the fair and decreetal order of the Principal District Judge, Cuddalore, dismissing I.A.Nos.243 and 244 of 2004 in unnumbered C.M.A. /2004 dated 19.07.2011.

(In both petitions)

For Petitioner : Mr.R.Dhanasekar

For Respondents

For R1 to 5 : Notice dispensed with

For R6 : Not ready in notice

COMMON ORDER

These civil revision petitions have been filed as against the fair and decreetal order dated 19.07.2011 passed in I.A.Nos.243 and 244 of 2004 in unnumbered C.M.A.No. /2004 on the file of the Principal District Judge, Cuddalore, thereby dismissing the applications filed to condone the delay.



2. The petitioner is the one of the defendant in the suit filed for partition.

She filed an application before the trial Court for the purpose of recording a settlement arrived between the parties. There was a talk of compromise and accordingly, a compromise decree was passed. In fact, it was decreed on the basis of the judgment and decree passed by this Court in appeal suit. As per the terms of compromise, simultaneously, suit for specific performance was also filed and the same was also decreed. Thereafter, as per the preliminary decree, final decree was passed. All the parties were allowed in their respective share. Therefore, nothing survives in the proceedings and however, the petitioner filed a petition to set aside the exparte decree and filed a petition to condone the delay. The Courts below rightly dismissed the applications for the reason that already the matter has been settled between the parties and accordingly, final decree was also passed. It is clear that in order to revive back the proceedings the said applications were filed. Therefore, this Court finds no infirmity or illegality in the order passed by the Courts below.

3. Accordingly, these civil revision petitions stand dismissed. There shall be no order as to costs.

12.01.2023

Speaking/Non-speaking order

Index : Yes/No

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CRP Nos.511 & 512 of 2012

G.K.ILANTHIRAIYAN.J,

ata

To

The Principal District Judge,
Cuddalore.

CRP.Nos.511 & 512 of 2012

12.01.2023