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C.R.P.No.3493 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM

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

C.R.P.No.3493 of 2015
and M.P.No.1 of 2015 & C.M.P.No.1868 of 2023

1. Mumtaz
2. Rahema
3. Subani
4. Munavaruddin
5. Nisar

... Petitioners

Vs.

1. Mukhtarunnissa
2. Zairuddin
3. Kameerunnissa
4. Jagerunnissa
5. Taherunnissa
6. Kumaran

... Respondents

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the entire records in O.S.No.239 of 2014 and set aside the order of the Lok Adalat dated 29.04.2015 and restore the suit to file and dispose the same in accordance with law.

For Petitioners : Ms.Sasikala Ramadoss

For Respondents

For R1 & R2 : Mr.K.Sudalaikannu

For R3 to R6 : No appearance



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ORDER

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The Civil Revision Petition has been filed as against the docket order dated 30.06.2015 passed by the learned Subordinate Judge, Ranipet, Vellore District in I.A.SR.No.4367 of 2015, thereby returning the petition to recall the fair and decreetal order of the Lok Adalat dated 29.04.2015 passed by the Taluk Legal Services Committee, Ranipet, in O.S.No.239 of 2014.

2. The petitioners are the defendants 4 to 7 & 9 in the suit filed by the respondents in O.S.No.239 of 2014 for partition. While pending the suit, the matter has been referred before the lok adalath for amicable settlement. Before the Lok Adalat, they settled the issue by filing joint memo. The said joint memo was recorded in the Lok Adalat and pass award in the terms of joint compromise memo. Thereafter, the petitioners filed petition to recall the Lok Adalat award dated 29.04.2015 on the ground that due to illness, the first petitioner could not meet her counsel and failed to file written statement. Therefore, the exparte decree was passed in the Lok Adalat. Hence, the petitioners filed petition to recall the Lok Adalat award dated



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29.04.2015 and the same was returned by the Court below, as against which the present Civil Revision Petition.

3. Heard Ms.Sasikala Ramadoss, learned counsel appearing for the petitioners and Mr.K.Sudalaikannu, learned counsel appearing for the respondents 1 & 2.

4. It is seen that the respondents filed suit for partition and the same was referred before the Lok Adalat. Before the Lok Adalat, the parties were compromised the issue and filed joint memo. Recording the joint memo, the Taluk Legal Services Committee, Ranipet, passed an award on 29.04.2015. Once the Lok Adalat passed an award on compromise, it cannot be set aside and it can be challenged by way of appeal.

5. That apart, there is no question of exparte decree. The petitioners were very much present and in their presence, the Lok Adalat passed the award. Therefore, the Court below rightly rejected the petition filed by the petitioners and this Court finds no infirmity or illegality in the



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endorsement made by the trial Court. If any grievances in the Lok Adalat award, the petitioner can challenge the award in the manner known to law.

6. Accordingly, the Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

21.02.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts



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To
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1. The Subordinate Judge,
Ranipet, Vellore District.



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G.K.ILANTHIRAIYAN, J.

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