



A.No.2345 of 2023
in
C.S.No.34 of 2021

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N. SATHISH KUMAR, J.

This application has been filed by the applicant/third defendant to set aside the compromise decree dated 01.09.2022 obtained in C.S.No.34 of 2021 on the file of this Court as sham and nominal, ultra-virus, fraudulent, collusive, unsustainable, invalid, unenforceable and not binding on the applicant herein.

2. Heard the learned counsel for the applicant as well as the respondents.

3. This application has been filed to set aside the compromise recorded by this Court on 01.09.2022 in the suit. The applicant has come forward with this application mainly on the ground stating that only on surprise and shock and also at the instructions of her father, she has signed the documents i.e., memo of compromise but however, she did not understood the content of it.

4. When the matter came up before this Court, it was pointed out that all the parties are very much present at the time of



recording of compromise. Merely on the bad allegations of the applicant, the compromise recorded by this Court cannot be avoided.

5. It is also submitted by the learned counsel for the applicant that the applicant is trying to meet her father. In this regard, the learned counsel for the first defendant also submitted that the father has already made some provisions for the daughter and he is even ready to execute a settlement in favour of the applicant in those documents.

6. In view of the above, the applicant is directed to meet her father/first defendant and to settle the matter amicably. However, considering the entire nature of allegations raised in this application to doubt the compromise recorded by this Court, this Court is of the view that the same cannot be accepted as the parties are very much available at the time of compromise, which has been read by them and only after having understood the contents, they have all signed the memo of compromise and thereafter, the learned Single Judge has accepted the said compromise, to which she cannot assail now.



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7. In such view of the matter, since the learned counsel for the first respondent/plaintiff has agreed before this Court that he will make some arrangement for the applicant to meet her father and the applicant shall work out her remedy there.

8. For the foregoing reasons, this Court finds no merits in the present application and hence, the same filed to set aside the compromise decree passed by this Court is liable to be dismissed. Accordingly, the application stands dismissed.

DP

08.11.2023



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