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C.R.P.No.2219 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

C.R.P.No.2219 of 2023

1. M.Mokkiammal
2. M.Alagesan

. . . Petitioners

Versus

1.Madhu Pillai

W/o.Govindaraj and D/o.Late Narayana Nadar

2.Madhupillai

W/o.Late Lakshmanan

3.C.Paramasivam

4.C.Madhaiyan

. . . Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the docket order dated 28.4.2023 on the file of the learned District Munsif Court, Omalur, in I.A.No.1 of 2022 in O.S.No.328 of 2008 and consequently direct the learned District Munsif Court, Omalur to draft the final decree in O.S.No.328 of 2008 and to engross the same on the Non Judicial Stamp Paper filed in I.A.No.1 of 2022 in O.S.No.328 of 2008.

For Petitioners : Mr.K.Selvaraj

ORDER

This civil revision petition is filed challenging the return endorsement dated 28.4.2023 passed by the learned District Munsif, Omalur in I.A.No.1 of 2022 in O.S.No.328 of 2008.



2. The first respondent/plaintiff has filed O.S.No.328 of 2008 on the file of the District Munsif Court, Omalur seeking partition of schedule of properties with metes and bounds. After filing of the suit, a compromise was entered into among the parties to the suit. Accordingly, the matter was referred to Lok Adalat and basing on the settlement arrived at, Lok Adalat award came to be passed on 12.11.2022. The copy of the award would go to show that the compromise memo will be part of the decree and final decree will be drafted on deposit of non-judicial stamp by the Court, where the suit was pending. Pursuance of the said award, the first respondent/plaintiff stated to have filed non-judicial stamp papers in the District Munsif Court, Omalur. However, the said Court has returned the papers with the following endorsement:

"After passing Lok Adalat Award, NJS to be filed before proper Authority.

Hence returned."

3. It is to be noted that even if the award passed by the Lok Adalat, it is deemed that the case has been disposed of by the Court, where it was originally pending. However, in the case on hand, since it was a suit for partition, final decree is required to be drafted basing on the compromise entered, only by the District Munsif Court, Omalur, where the case is pending, not by the Lok Adalat.



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4. Considering the same, this revision petition is disposed of directing the District Munsif, Omalur to admit non-judicial stamp papers and pass appropriate orders as per law, in pursuance of the preliminary decree passed as per the award dated 12.11.2022. The petitioner is directed to submit those papers before the District Munsif Court, Omalur, within a period of three weeks from the date of receipt of a copy of this order. On such receipt, the trial Court is directed to dispose of the matter as expeditiously as possible. There shall be no order as to costs.

5. Registry is directed to return the original non-judicial stamp papers filed by the petitioners before the Trial Court after substituting the same by a Photostat copy, to the learned counsel on record for the petitioners.

30.06.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

To
The District Munsif,
Omalur.



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DR.D.NAGARJUN, J.,
ms

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