



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.10.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

C.R.P.No.1047 of 2023

1. T.S.Ramesh

2. Jayasri

... Petitioners

Vs.

1.Ambika

2.Muthulakshmi

3.Santhi

4.Parvathi Ammal

5.Usha Rani

6.Revathi

7.Poornima

8.Nithiyalakshmi

9.Sivakumar

10.Buvaneswari

11.Chitra

... Respondents

Civil Revision Petition filed Under Section 115 of Constitution of India, praying to set aside the interim order dated 23.08.2021 in I.A.No.313 of 2019 in I.A.No.145 of 2014 in O.S.No.123 of 2010 on the file of the Principal Subordinate Court, Tindivanam.

For Petitioners	:	Mr. G. Sivasurya
For R1 to R3	:	Mr.T.Balamurugan
For R4 to R11	:	Batta due



ORDER

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The petitioner has filed this petition to set aside the interim order dated 23.08.2021 in I.A.No.313 of 2019 in I.A.No.145 of 2014 in O.S.No.123 of 2010 on the file of the Principal Subordinate Court, Tindivanam. The said application was filed by the petitioner herein for restoring the Interim Application in I.A.No.145 of 2014 which was dismissed for default on 02.11.2015 among others.

2. Heard, Mr.G. Sivasurya, learned counsel for the petitioners and Mr.T.Balamurugan, learned counsel appearing for the respondents 1 to 3 and perused the materials available in record.

3. The learned counsel for the petitioners submitted that in the suit in O.S.No.123 of 2010, an exparte decree has been obtained by the respondents / plaintiffs 1 to 3 on 27.11.2012. I.A.No.145 of 2014 has been filed to condone the delay of 489 days in filing set aside petition to set-aside the exparte decree dated 27.11.2012 by the revision petitioners herein, wherein paper publication was ordered. Since due to the fault of the lower



court counsel, no paper publication was effected, hence I.A.No.145 of 2014 was dismissed for default on 02.11.2015. Hence I.A.No.313 of 2019 was filed to condone the delay of 1350 days in filing restoration petition to restore I.A.No.145 of 2014 which was dismissed for default on 02.11.2015 and the I.A.No.313 of 2019 was also dismissed on 23.08.2021 against which the present revision has been filed.

4. The learned counsel for the respondents 1 to 3 submitted that a compromise has been arrived at between the parties to settle the dispute by filing a petition for a consent judgment and decree in O.S.No.123 of 2010, on the file of the Principal Subordinate Court, Tindivanam. The modalities of the memo of compromise shall be filed in O.S.No.123 of 2010 has been submitted before this Court in CRP.No.1047 of 2023 and may dispose of the CRP with the direction to dispose of the suit in O.S.No.123 of 2010, on the file of the Principal Subordinate Court, Tindivanam by recording the petition for consent decree by way of Compromise deed entered between them.



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5. When the matter is taken up for hearing, the petitioners and the respondents 1 to 3 appeared along with their respective counsels before this Court. They entered into Joint Memo of compromise, to that effect the terms of compromise is also filed before this Court. For passing of consent decree to record the same all the applications are ordered to be restored. I.A.No.313 of 2019 and I.A.No.145 of 2014 in O.S.No.123 of 2010 application also ordered to be considered by the learned trial Judge. In view of the settlement arrived between the parties, after restoration, all the parties are permitted to record compromise before the trial Judge, Principal Subordinate Court, Tindivanam.

6. In view of the above, this Civil Revision Petition is disposed of.
No costs.

19.10.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No

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Note: Issue order copy on or before 07.11.2023.

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1. The Principal Subordinate Court, Tindivanam.
2. The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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