



CRP No.4549 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM:

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.4549 of 2017

Parameswari

.... Petitioner

Vs

1. G.T.Ramachandran
2. G.T.Andathurai
3. Muthulakshmi
4. Damodaran
5. Banumathi
6. G.T.Krishnan
7. M.Maragatham
Kannammal (Died)
8. Kamaleswari
Lakshmi (Died)
9. Kanthamani
10.Gowri
11.Muthulakshmi
12.Sarojini
13.Meenakshi @ Neelavani
14.Krishnaveni
15.Padmavathi
16.Easwari
17.Marimuthu
18.Alagesan
19.Kumaresan
20.Sundaresan
21.Sathiya Priya
Respondents

...



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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India seeking a direction to the learned Subordinate Judge, Gobichettipalayam to number the application in I.A.No.(CFR) No.5567 of 2013 and decide on merits.

For Petitioner : Mr.L.Mouli
For Respondents : Mr.K.P.Chandrasekar
for R.1 and R.2
: No appearance for RR.5, 8, 9 and 13
: Mr.V.Parthiban for R.10
: Mr.P.R.Balasubramanian
for RR.3, 6, 7, 17 to 21
: Mr.P.R.Shankar for R.4

ORDER

An application was filed to recall the compromise decree alleging that the respondents in the application had played a fraud on the Court. The said application was received by the learned Subordinate Judge, Gobichettipalayam in CFR No.5567 of 2013. The learned Judge had without numbering the said application, directed that only a fresh suit, challenging the compromise decree, can be filed and the application is not maintainable. This finding was given without notice being issued to any of the respondents.

2. Following the judgment in the case of *Selvaraj vs Koodamkulam Nuclear Power Plant India Limited* reported in *2021 5 MLJ 467*, the order passed by the learned Subordinate Judge, Gobichettipalayam dated 11.04.2014



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is set aside.

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3. The Subordinate Court, Gobichettipalayam is directed to number the application, issue notice to the respondents and thereafter decide on the application including its maintainability.

4. All the defences are open to the respondents. I am only following the judgment in the case of *Selvaraj vs Koodamkulam Nuclear Power Plant India Limited* reported in *2021 5 MLJ 467* in order to hold that the Court below cannot at the SR stage itself pass a detailed order.

5. With the above observation, the Civil Revision Petition is disposed of. No costs. Registry is directed to return the original papers to the petitioner to represent the same before the trial Court after obtaining necessary endorsement.

21.08.2023

Index:Yes/No

Speaking order/Non-speaking order

sr



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V.LAKSHMINARAYANAN,J.

sr

To

The Sub Judge,
Gobichettipalayam.

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