



C.R.P.No. 4845 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4845 of 2023

M.K. Abibur Rahman

.. Petitioner

Vs

BiBijohn (Died)
Syed Sardhar Hussaine (Died)

1.Shan Basha
2.Althab Hussaine
3.Asmath Bi
4.Piyajudhin
5.Rafiqjudhin
6.Reshma
7.Sabarin

Sivarjathi (died)

8.Jaibunnisha
9.Hameedunnisha
10.Basha Jathi
11.Mohammed Ussane
12.Ali Basha
13.Hajeera Banu

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 26.07.2023 made in



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I.A.SR.No.568 of 2022 in O.S.No.19 of 2005 on the file of the learned Additional District and Sessions Judge at Tirupatur and direct the learned Judge to number the same and thereby render justice.

For Petitioner : Mr. Jeremiah Gregory John

ORDER

This Civil Revision Petition is filed challenging the docket order passed in I.A.SR.No.568 of 2022, the third party has preferred this revision.

2. Before the trial Court, the third party / petitioner herein has filed application praying to set aside the compromise decree dated 19.04.2013 made in the present suit in O.S.No.19 of 2005, for the reason that already he purchased the property in the year 2011 but that application was not taken on file stating that how it is maintainable and accordingly the same was returned.

3. By relying the ratio laid down in ***Triloki Nath Singh Vs. Anirudh Singh (D) Thr. Lrs and Ors.*** reported in ***AIR 2020 Supreme***



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Court 2111, the learned counsel for the revision petitioner submits that he is entitled to raise objection before the trial Court which recorded by compromise decree.

4. Reason assigned by the petitioner is justifiable and the ratio laid down by him is also supporting the contention of the petitioner. If opportunity is not given to him, his valuable right to protect the property will be defeated. Therefore, the finding of the trial Court is set aside. The trial Judge is directed to take the I.A.SR.No.568 of 2022 on file, within two weeks from the date of receipt of copy of this order.

5. Accordingly, the Civil Revision Petition is allowed. No costs.

6. Registry is directed to return the application within one week.

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Index :Yes/No
Neutral Citation :Yes/No
AT

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T.V.THAMILSELVI, J.

AT

To
The Additional District and Sessions Judge at Tirupatur.

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