



C.R.P.(MD)No.1602 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.1602 of 2024

and

C.M.P.(MD)No.9449 of 2024

Ragupathi

... Petitioner

Vs.

Banumathi (Died)

Sindhamani (Died)

1.Natarajan

2.Natarajan

3.Govindarajan

Rajam (Died)

4.Chandra

5.Balasubramanian

6.Gandhimathi

Kunjammal (Died)

Sundarambal (Died)

7.S.Rajendran



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A.Mahalingam (Died)

8.A.Subramanian
9.A.Chockalingam
10.Indirani
11.Gnanasekaran
12.Panchabigesan

Balu @ Balakrishnan (Died)

13.T.Radhakrishnan
14.R.Jayaprakash
15.R.Jayaprabha
16.R.Jayachitra
17.Kadalkanni
18.Thiyagarajan
19.Swaminathan
20.Anjali

... Respondents

(The respondents 2 to 20 set exparte in I.A.No.29 of 2022.
Hence, notice may be dispensed with.)

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., against the order, dated 27.09.2023, passed in I.A.No.29 of 2022 in O.S.No.290 of 1996 on the file of the District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District.

For Petitioner	: Mr.T.K.Gopalan
For R1	: Mr.V.Chandrasekar
R2 to R20	: Exparte



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ORDER

The present civil revision petition is filed by the 5th defendant in the suit against the order, dated 27.09.2023, passed in I.A.No.29 of 2022 in O.S.No.290 of 1996 on the file of the District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District.

2. When the case was taken up on 29.10.2024, the parties reported that the matter is settled out of Court. The 5th defendant in the suit / revision petitioner had filed a memo along with the undertaking wherein the revision petitioner has accepted to pay Rs.2,00,000/-. The 3rd plaintiff in the suit had accepted to receive the said Rs.2,00,000/- and give up the rights in the property which he is claiming through the suit. Based on the said undertaking, the revision petitioner has filed a memo before this Court and the same is extracted hereunder:

“It is submitted that the 3rd Respondent/Plaintiff has settled the matter out of court. As the allotted portion of the Advocate/Commissioner is a very tiny area of 1½ cents it will not be useful to the 3rd Respondent/Plaintiff and at the same time it would cause inconvenience to the present Revision Petitioner/ 5th Defendant.



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It is further submitted that the 3rd Respondent/Plaintiff received Rs. 2,00,000/- (Two Lakhs) from the Revision Petitioner/ 5th Defendant/Ragupathy for 1½ cents (1/28th share allotted to 3rd Respondent) and hence this petition may be allowed on the basis of this Memo by this Hon'ble Court.”

3. Based on the terms of the memo, the impugned order is set aside and the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Tmg

To

1. District Munsif cum Judicial Magistrate,
Papanasam, Thanjavur District.

2. The Section Officer,
Vernacular Records Section,



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Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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