



C.M.P.No.16080 of 2022 in
S.A.No.1318 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

C.M.P.No.16080 of 2022 in
S.A.No.1318 of 2002

Pari Poornam ... Petitioner

Vs.

Balasundaram ... Respondent

To set aside the judgment and decree in S.A.No.1318 of 2002 and it has to be restored to file and to be decided on merits.

For Petitioner :Mr.K.Chandrasekaran

For Respondent :Mr.M.S.Subramanian

ORDER

This is a petition filed to recall/set aside the compromise decree that was recorded by this court on 11.10.2012.

2. The relationship between the parties is not in dispute. The appellant is the sibling of the respondent. The suit is one for partition and separate possession.

3. The parties were referred to mediation on 26.07.2011. A compromise was arrived at between the parties on 21.10.2011 and was recorded by this court on 11.10.2012.



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4. In terms of the compromise, the appellant has to pay a sum of Rs.75,000/- to the respondent. In addition, the property situated in S.No.251/3B and 241/1B of Kallaprianpuram Village, Maduranthagam Taluk, Kancheepuram District was allotted to the respondent and the property in the same village at S.No.249/2B and 253/7 was allotted to the appellant.

5. After the compromise has been recorded, it has come to the knowledge of the parties that the property in S.No.241/1B is not available for partition. Hence, this application to recall the judgment in its entirety has been filed.

6. It is not in dispute that apart from 241/1B, the other properties are in possession of the parties as agreed upon on 21.10.2011. Hence, there is no necessity to recall the judgment in its entirety.

7. The compromise insofar as S.No.241/1B alone is recalled. CMP stands partly allowed.

8. To file a fresh compromise memo, call the matter on 25.09.2025.



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Internet:Yes

Index:Yes/No

Speaking/Non speaking order



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