



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1746 of 2025

and

C.M.P.(MD)No.9456 of 2025

V.R.C.Suresh Kumar

...Petitioner

Vs.

K.Venkatesan

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 16.11.2024 passed by the learned I Additional Subordinate Judge, Karur in I.A.No.758 of 2019 in O.S.No.150 of 2019 and allow this Civil Revision Petition.

For Petitioner : Mr.R.Baskaran,
Senior Counsel
for M/s.R.B.Law Associates



ORDER

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This petition has been filed to set aside the fair and decreetal order dated 16.11.2024 passed by the learned I Additional Subordinate Judge, Karur in I.A.No.758 of 2019 in O.S.No.150 of 2019.

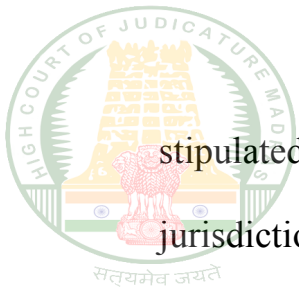
2.Learned Senior Counsel appearing for the petitioner would submit that the petitioner is the owner of the site in which the petrol bunk was installed and the license was granted in favour of the respondent. Subsequently, due to some dispute with regard to change of license in the name of the petitioner, the petitioner initially filed a suit in O.S.No.382 of 2006, on the file of the District Munsif Court, Karur, for mandatory injunction restraining the defendant therein not to interfere with the petroleum retail outlet and not to cancel the license agreement in between the petitioner and the respondent. The said suit was compromised between the parties and compromise decree was passed on 09.06.2006 on the file of the I Additional District Munsif Court, Karur. Thereafter, the petitioner filed Execution Petition for execution of the compromise decree in E.P.No.105 of 2018. The trial Court allowed the EP on 10.03.2022 and the EP was challenged before this Court in C.R.P.(MD)No.1434 of 2022. This Court by order dated 27.08.2024, dismissed the said Civil Revision Petition and directed the trial Court to proceed with the EP proceedings. Thereafter, the respondent filed the present suit in O.S.No.150 of



2019. To strike off the plaint, the petitioner filed I.A.No.758 of 2019, in the said suit under Order VII Rule 11 of CPC. The same was dismissed by the trial Court. Challenging the same, the present Civil Revision Petition came to be filed.

3.Learned Senior Counsel appearing for the petitioner would submit that the present suit filed by the respondent / plaintiff, challenging the compromise decree dated 09.06.2006 itself is not sustainable, on the ground that a compromise decree cannot be challenged by way of suit and the same is contrary to Order 23 Rule 3 and 3-A of CPC. However, the trial Court without considering the same, dismissed the I.A. filed by the petitioner. In support of his contention, learned Senior Counsel relied on the judgment of the Supreme Court in the case of ***R.Rajanna Vs. S.R.Venkataswamy and others reported in (2014) 15 SCC 471.***

4.Learned Senior Counsel would further submit that the present suit has been filed on the file of the I Additional Sub Court, Karur, whereas the EP was pending before the I Additional District Munsif Court, Tiruchirappalli. To challenge the decree passed by a Court, by way of declaration, the decree has to be challenged only before the concerned Court who passed the decree. However, this Court may issue a direction to the trial Court namely I Additional Subordinate Judge, Karur, to dispose of the suit in O.S.No.150 of 2019 within a



stipulated time, permitting the petitioner to raise all issues including the jurisdiction issue before the I Additional Sub Court, Karur.

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5.Since no adverse orders are passed in the present Civil Revision Petition, notice to the respondent is dispensed with and this Civil Revision Petition is being disposed of at the admission stage itself.

6.Considering the facts and circumstances of the case and also considering the submissions made by the learned Senior Counsel appearing for the respondent, this Court is inclined to direct the I Additional Sub Court, Karur to dispose of the suit in O.S.No.150 of 2019, within a period of six [6] months, since the suit is of the year 2019. The petitioner is also permitted to raise all the issues raised herein including the jurisdiction issue before the I Additional Sub Court, Karur.

7.Accordingly, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

25.06.2025

Internet:Yes/No

Index:Yes/No

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To

- 1.The I Additional Subordinate Judge,
Karur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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