



WEB COPY

CMP No.2725 of 2



S.A.No.637 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-04-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CMP No.2725 of 2017

in

S.A.No.637 of 2010

M.Vadivel,
S/o.Muthusamy
Veppillaipatty Village,
Valapadi Taluk,
Salem District.

...Petitioner/Appellant

Vs

1. S.Ramasamy Gounder
S/o.Subbaraya Gounder,
Paaraikkadu Kakkaveri Village,
Rasipuram Taluk,
Namakkal District.
2. M.Senthilkumar,
S/o.Muthusamy,
Veppillaipatty Village,
Valapadi Taluk,
Salem District.
3. The Tahsildar,
Rasipuram Taluk,
Namakkal District.
4. The District Collector,
Collectorate,
Namakkal District,
Namakkal.

...Respondents/
Respondents



Prayer: Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure, to rescind the compromise memo dated 30.11.2012 and record the order passed by this Court dated 01.03.2013 based on it and restore the appeal for hearing a fresh.

For Petitioner:

M/s.A.V.Arun

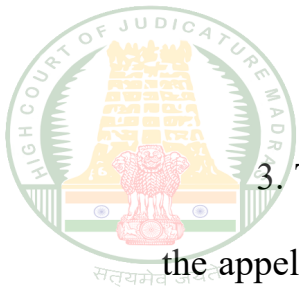
For Respondents:

Mr.R.Praveen
for M/S.Sarvabhauman Associates
for R1 and R2

ORDER

This Court had disposed of the Second Appeal by an order dated 01.03.2013 based on the Memorandum of Compromise dated 30.11.2012. The order sets out the terms of compromise arrived at between the appellant and the respondents 1 and 2.

2. It is stated in the Memorandum of Compromise that the appellant and the respondents 1 and 2 had entered into an agreement on 29.06.2012 to divide the suit property in the manner stated therein. However, it is the case of the appellant that some of the witnesses to the agreement dated 29.06.2012 had not complied with certain terms which were agreed between the parties.



3. There is no reference in the affidavit as to how that agreement between the appellant and certain third parties who are not parties in the Second Appeal would be of any relevance for rescinding the compromise. Therefore, no acceptable reason has been stated in the affidavit filed in support of this petition for rescinding the compromise. Hence, this Court is not inclined to accept the submissions of the learned counsel for the petitioner/appellant and entertain this petition.

4. Accordingly, this Civil Miscellaneous Petition is dismissed.

dk

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SUNDER MOHAN, J.

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