



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2015

CORAM:

THE HONOURABLE MR. JUSTICE P.R. SHIVAKUMAR

Rev. Aplc. (MD) No.171 of 2015 in SA(MD) No.629 of 2014

WEB COPY

1. Ganapathy (Died)
rep. By Lrs.

.. 1st petitioner/
Respondent

2. Ponnazhagu
3. Santha
4. Jayalakshmi
5. Gowri
6. Indira
7. Subbulakshmi
8. Gomathi
9. Thenmozhi

.. Petitioners 2 to 9

Vs.

Kaliyammal

.. Respondent/
Appellant

(Cause title accepted as per the order of this Court, dated 18.12.2015 made in M.P.(MD).No.1 of 2015)

PRAYER: This application has been filed under Section 114 r/w Order 47 Rule 1 of C.P.C., praying to review the order dated 08.04.2015 passed by this Court in S.A.(MD).No.629 of 2014.

Prayer in SA(MD)No.629 of 2014:-

Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908 against the Judgment and Decree dated 27/02/2013 passed in Appeal Suit No.122 of 2011 by the Subordinate Court, Pudukkottai reversing the Judgment and Decree dated 31/03/2011 passed in Original Suit No.399 of 2006 by the District Munsif Court, Pudukkottai.

For Petitioners

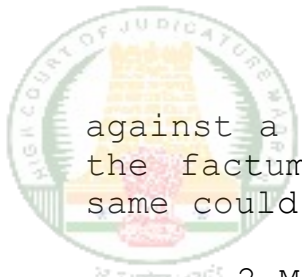
: Mrs.N.Krishnaveni

For Respondent

: Mr.N.Balakrishnan

O R D E R

<https://hcservices.ecourt.in/hcservices> The Petitioners, who are the legal heirs of the deceased first petitioner, have come forward with the review application contending that the judgment and order of remand came to be passed



against a dead person and that since the counsel was not aware of the factum of death when the appeal was taken for hearing, the same could not be informed to the Court.

2.Mr.N.Balakrishnan, learned counsel for the respondent submits that in view of the nature of the stand taken by the petitioners, the respondent does not want to take any objection to review the judgment and order of remand.

3.As it is a new fact which was not brought to the notice of the Court at the time of hearing of the appeal and such fact came to light only subsequent thereof, the case of the petitioners squarely falls within the ambit of Rule 27 of Order 41. Hence, the Review Application is allowed and the second appeal shall be reheard.

4. Post the second appeal viz., S.A.(MD).No.629 of 2014 for rehearing on 04.01.2016.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1.The Subordinate Judge, Pudukkottai

2.The District Munsif, Pudukkottai

Copy to:-

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai

gcg
RL/4C/SK/SKN/SARI/29/12/2015

Order made in
Rev.Aplc.(MD)No.171 of 2015