



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Fourteenth day of February Two Thousand Twenty
PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
CRP(MD) . No.2301 of 2010

WEB COPY

1. K. BAKTHAVASALAM (DIED)
2. K.RAJASEKHARAN S/O. KRISHNA PILLAI, PONPARAKONATHU VEEDU, PALAPPALLAM, KEEZH MIDALAM VILLAGE, VILAVANCODE TALUK, KANYAKUMARI DISTRICT.
3. LEKSHMI BAI, W/O.LATE K.BAKTHAVASALAM
4. SIVA ANANTHA KRISHNAN, S/O.LATE K.BAKTHAVASALAM
5. PRADEEPA, D/O.LATE K.BAKTHAVASALAM ... PETITIONERS
PETITIONERS 3 TO 5 AT NO 5/17 PONPARAKONATHU PUTHAN VEEDU, PALAPPALLAM, KEEZH MIDALAM VILLAGE, VILAVANCODE TALUK, KANYAKUMARI DISTRICT.

(PETITIONERS 3 TO 5 BROUGHT ON RECORD AS LRS OF DECEASED 1ST PETITIONER, VIDE COURT ORDER DATED 06.08.2018 MADE IN CMP.4009 TO 4012/2018)

.Vs.

- 1 M.KALI PILLAI, S/O. MATHAVAN PILLAI, KRISHNAVAKA, EDACHANKONATHU PUTHEN VEEDU, PALAPPALLAM, KEEZH MIDALAM VILLAGE, VILAVANCODE TALUK, KANYAKUMARI DISTRICT.
- 2 HEMALATHAKUMARI, W/O. KALI PILLAI, KRISHNAVAKA, EDACHANKONATHU PUTHEN VEEDU, PALAPPALLAM, KEEZH MIDALAM VILLAGE, VILAVANCODE TALUK, KANYAKUMARI DISTRICT. ... RESPONDENTS

Prayer:- Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the order dated 03.08.2009 made in unnumbered CFSR No.15 of 2008 in A.S. No.167 of 2004 on the file of the Principal District Judge, Kanniyakumari at Nagercoil.

Decree :-This Civil Revision Petition coming up for hearing on this date, upon perusing the grounds of Petition, the order of the Lower Court and upon hearing the arguments of MR.P.THIYAGARAJAN, Advocate for the Petitioners and of MR.A.ARUMUGAM FOR M/S. AJMAL ASSOCIATES, Advocate for the first and second respondents this Court doth order and decree as follows:-

(1) That the order of the lower appellate court rejecting the application for rehearing be and hereby is set aside and the Civil Revision Petition is allowed.

(2) That the lower appellate Court is directed to number the application filed in C.F.S.R. No.15 of 2008 in A.S. No.167 of 2004 and dispose of the same on merits without being influenced in any manner by the observations made in this order.



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(3) That there be no costs in this Civil Revision Petition.

// True Copy //

Sd/-

Assistant Registrar (CS-III)

/ /2020

Sub Assistant Registrar(CS)

To

The Principal District Judge, Kanniyakumari at Nagercoil.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to Mr.P.THIYAGARAJAN, Advocate (SR-6522 dated 14/02/2020)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6847 dated 18/02/2020)

ORDER DATED : 14/02/2020

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DECREE
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CRP(MD) . No.2301 of 2010

Nature of Decree:- Allowing the Civil Revision Petition preferred against the order dated 03.08.2009 made in unnumbered C.F.S.R. No.15 of 2008 in A.S. No.167 of 2004 on the file of the Principal District Judge, Kanniyakumari at Nagercoil etc., as stated within.

VB 16.03.2020 2P 6C