



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

Monday, the Ninth day of March Two Thousand and Twenty

WEB COPY

PRESENT

The Hon'ble Mr. Justice G.R. SWAMINATHAN

CMP(MD).No.9173 of 2018

in

CRP(MD)NO.1328 of 2018

1. R.Murugesan,
2. R.Veluchamy
3. R.Nalluchamy Naidu
4. R.Murthy

... Petitioner/Respondents 1 to 4

Vs

1 Vijaya @ Vijayalakshmi (Died) .. 1st Respondent/petitioner

2 Mrs. Sujatha,

3 Mrs. Gomathy,

4 L.Karthik,

5 L.Sathis Kumar,

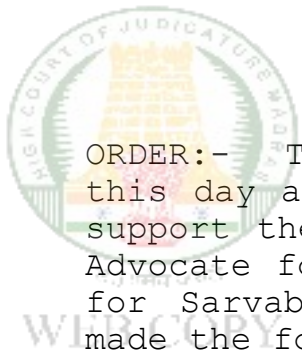
... Respondents 2 to 5/
Respondents 5 to 8

Prayer in CMP(MD)NO.9173 OF 2018 :-

Civil Miscellanoues petition is filed under order 41 Rule 21 of Civil Procedure code praying this Honourable court, to recall the order dated 20.08.2018 and re-hear the CRP(MD) No. 1328 of 2018 on merits on merits or pass such further or other orders as it may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in CRP(MD).No 1328/ 2018 :

This Civil Revision Petition filed under Article 227 of the Consitution of India, against dthe fair and decreetal order dated 3.3.2018 passed in I.A.No.791 of 2017 in O.S.No.131/2009 by Principal Sub Court Dindigul.



ORDER:- This Civil Revision Petition is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr..Y.Prakash, Advocate for the Petitioner and of Mr.Anand Chandrasekarar, Advocate for Sarvabhauman Associates, counsel for the respondent, this Court made the following order:

This civil miscellaneous petition has been filed for recalling the order made in C.R.P. (MD) No.1328 of 2018.

2.The learned counsel appearing for the petitioners in this miscellaneous petition would submit that the private notice issued to the petitioner by counsel for the respondents herein mentioned the date of hearing as 18.08.2018 which happened to be a Saturday. The case was taken up on 20.08.2018 and without notice to the petitioners herein, the civil revision petition came to be disposed of.

3.I find the reasons set out in the recall petition to be acceptable. Therefore, the order dated 20.08.2018 is set aside and this civil miscellaneous petition is allowed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Copy to:

The Principal Sub Judge,
Dindigul.

ORDER DATED : 09/03/2020

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ORDER

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CMP(MD) . No.9173 of 2018
in
CRP(MD)NO.1328 of 2018

Giving direction and etc.
as stated within.

VB(06.05.2020) 2P 2C

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