



WEB COPY



C.M.P. No. 3985 of 2023
in Tr. C.M.P. No. 775 of 2022

C.M.P.No. 3985 of 2023
in
Tr. C.M.P. No. 775 of 2022

T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed to recall the order dated 23.01.2023 passed by this court in Tr.C.M.P. No.775 of 2022 and grant an opportunity to the petitioner to make his submissions on merit.

2. Today, when the matter taken up for hearing, Mr.Thanga Vadhana Balakrishnan, learned counsel for petitioner would submit that as the petitioner's counsel name was not printed in the cause list on various dates of hearing of the above petition, his counsel did not appear under the impression that the petition was not listed. However, on receipt of a private notice to his counsel appearing before the lower court, he has thought that it was only an intimation from the respondent's counsel. In the above circumstances, the transfer petition has been listed and disposed of on 23.01.2023 marking his absence. The learned counsel further submit that the petitioner is having bonafide case and his rights have been highly prejudiced, since he was not heard and unless this petition is ordered, the



C.M.P. No. 3985 of 2023
in Tr. C.M.P. No. 775 of 2022

petitioner would be put into much hardship no prejudice would be caused to the respondent.

3. Considering the facts and circumstances and also considering the submissions of Petitioner seems to be justifiable one, this Court is inclined to allow this petition and accordingly, the order passed by this court dated 23.01.2023 is recalled.

4. Post the Tr.C.M.P. on 11.04.2023.

03.04.2023

rpp



WEB COPY



C.M.P. No. 3985 of 2023
in Tr. C.M.P. No. 775 of 2022

T.V.THAMILSELVI, J.

rpp

C.M.P.No. 3985 of 2023
in
Tr. C.M.P. No. 775 of 2022

03.04.2023