



WEB COPY



CMP.No.27278 of 2023

CMP.No.27278 of 2023
in
CMA.No.789 of 2016

M.DHANDAPANI, J.

It is brought to the notice of this Court by the learned counsel appearing for the petitioner that on 02.08.2019, when CMA No.789 of 2019 was listed, which was represented by the said counsel before the Court, however, due to inadvertence on the part of the Registry, the bundle in CMA No.789 of 2016 was placed before the Court and the Court, hearing the counsel appearing in CMA No.789 of 2019, who placed his case on the facts of CMA No.789 of 2019, had passed the order, which has been erroneously typed in CMA No.789 of 2016. Therefore, the present petition has been filed to recall the said order and to list the matter for fresh hearing.

2. A perusal of the cause list of the said date reveals that CMA No.789 of 2019 was listed for hearing, but in actuality, the order has been passed in CMA No.789 of 2016, as is revealed from the bundle placed before the Court. Further, the name of the counsel appearing for the appellant is different from the counsel, who had represented the matter before the Court, as the said counsel pertained to CMA No.789 of 2019. Therefore, an inadvertent error on the part of the Registry in listing the case in CMA No.789 of 2019, but placing the bundle in CMA No.789 of 2016 had resulted in the above erroneous order being passed, which requires to be recalled.



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3. Accordingly, for the reasons aforesaid, the judgment dated 02.08.2019 passed in CMA No.789 of 2016 is hereby recalled.

13.12.2023
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