



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

Thursday, the Twenty Third day of February Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mrs.Justice N.MALA

CMP(MD) No.2214 of 2023
in
CMA(MD)NO.840 OF 2021

1 M. THIRUMARA CHELLAPANDI
2 M. MURASOLI MARAN,
3 M. MANIKANDAN, ... PETITIONERS/PETITIONERS/APELLANTS

Vs

1 THE COMPETENT AUTHORITY AND
DISTRICT REVENUE OFFICER,
DISTRICT REVENUE OFFICE, MADURAI.

2 K.L. KRISHNAMOORTHY, ... RESPONDENTS 1 & 2/RESPONDENTS 1 & 2/
RESPONDENTS 1 & 2
3 K.R. SUDHARSAN(DIED) ... 3RD RESPONDENT
4 K.L. SUBRAMANIAN, ... 4TH RESPONDENT/4TH RESPONDENT/
4TH RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to this recall the order dated 25.01.2022 in C.M.P. (MD). No. 282 of 2022 in C.M.A.(MD). No. 840 of 2021 and pass such other suitable order and thereby render justice.

Prayer in CMA(MD). 840/ 2021 :

To call for the records and set aside the fair and decreetal order dated 13.07.2021 in O.A.No. 6 of 2017 on the file of the Special Court under TNPID Act cases, Madurai allow this Civil Miscellaneous Appeal with costs throughout and thereby render justice.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.H. LAKSHMI SHANKAR, Advocate for the petitioner and of M/S.D.GANDHI RAJ, Special Government Pleader on behalf of the Respondent No.1 the court made the following order:-



This petition is filed to recall the order dated 25.01.2022, passed in C.M.P.(MD)No.282 of 2022, exempting the petitioners from the necessity of substituting the legal representatives of the third respondent for the reasons stated therein. The present application in C.M.P(MD)No.2214 of 2023 is filed stating that only after the order passed in exemption application, the petitioner came to know that the third respondent died before the passing of the final order in the proceedings before the Special Court, Madurai.

2.The counsel for the petitioners submits that the exemption application was filed without knowledge of the date of death of the deceased third respondent. The counsel further submitted that he has also filed two applications, one to condone the delay in filing the appeal and the other to amend the cause title for bringing the legal representatives of the deceased third respondent. The learned counsel further submits that in the light of the subsequent applications, the earlier order granting exemption needs to be recalled.

3.Considering the above submissions of the counsel, the order dated 25.01.2022 made in C.M.P(MD)No.282 of 2022 in C.M.A(MD)No.840 of 2021 is recalled and this petition is ordered accordingly.

sd/-

23/02/2023

/ TRUE COPY /

/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE, SPECIAL COURT UNDER TNPID ACT CASES, MADURAI.

ORDER

IN

CMP(MD) No.2214 of 2023

Date :23/02/2023

MGJ/BUC/SAR III/10/03/2023/2P/2C