



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the First day of March Two Thousand and Twenty Three
PRESENT

The Hon`ble **Mr.Justice R.VIJAYAKUMAR**

CMP(MD) . No.3538 and 3537 of 2022
in
CRP(MD) No.376 of 2022

1. Radhakrishnan
2. Vijayaragavan
3. Elavarasi
4. J.Gomathi
5. M.Tamilselvi
- 6.Padmavathi

..... Petitioner/Appellant/Accused.

- Vs. -

T. Loaganathan (Died)

- 1 S.Neelavathi,
2. Bhavani .
3. Ambigapathi .
4. Jeyalakshmi .
5. M.K.R.Theivanayagam Pillai,
6. T.Bose .
7. T.Ramanathan .
- 8.T.Amirtham

..... Respondent/Respondent/Complainant

Prayer in CMP(MD) . 3538/ 2022 :-

To SET ASIDE the order passed in CRP. (MD) No. 376/2022 on 01.03.2022.

Prayer in CMP(MD) . 3537/ 2022 :

To suspend the order dated 01.03.2022 passed in CRP. (MD) No. 376/2022 of this Honourable Court pending disposal of the above Civil Revision Petition .

ORDER:- This Revision/Appeal Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Ms. A.Arumugam, Advocate for the Petitioner and of Ms. K.R. Shivashankari, Advocate for the Petitioners 1 to 3 and Mr.H.Arumugam, Advocate for the Respondents 1 to 4, this Court made the following order:



The present application in C.M.P(MD).No.3538 of 2022 as been filed to set aside the order passed in C.R.P(MD).No.376 of 2022 dated 01.03.2022.

2. According to the learned counsel appearing for the petitioners, all the respondents in the civil revision petition had passed away even before filing of the revision petition. However, the revision petition has been filed as against the dead persons and the same has been allowed in the admission stage without notice to the respondents.

3. The fact that all the respondents in the revision have passed away prior to the filing of the revision is not disputed by the other side. The only contention raised by the revision petitioners is that notice to the other side is not required in an application for issuance of lodgment schedule.

4. Considering the fact that the revision petition has been allowed in the admission stage without notice to the respondents and that too, the respondents who have passed away prior to the revision, this application in C.M.P(MD).No.3538 of 2022 stands allowed and the civil revision petition in C.R.P(MD).No.376 of 2022 is restored to the file. Accordingly, C.M.P(MD).No.3537 of 2022 is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)

RMK

TO

THE PRINCIPAL SUBORDINATE JUDGE, MADURAI

Copy to

The Section officer,
Judicial Section,

Madurai Bench of Madras Highcourt, Madurai (2 Copies)

ORDER DATED : 01/03/2023

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ORDER

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CMP (MD) . No.3538 and 3537 of 2022

in

CRP (MD) No.376 of 2022

SI/ (09.05.2023) 2P/ 3C

<https://www.mhc.tn.gov.in/judis>