



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Third day of February Two Thousand and Twenty Three
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD). No.231 of 2018
in
CRP (MD).No881 of 2017

Radha @ Radhakrishnan, ... Petitioner/ Ist Respondent/
Respondent/ Respondent /

vs

1 Irudhayadoss, ... Respondent/Petitioner/
Ist Petitioner/Ist Appellant

2 Abdul Rahman, ... Respondent/ 2nd Respondent /
2nd Petitioner/ 2nd Appellant

Prayer in CMP (MD). 231/ 2018 :-

This Civil Miscellaneous Petition filed under Article 227 of the Constitution of India R/W Section Order 41 Rule 21 of the civil Procedure Code To recall the order dated 15/11/2017 made in CRP(MD). No.881 of 2017 passed by this Honorable Court.

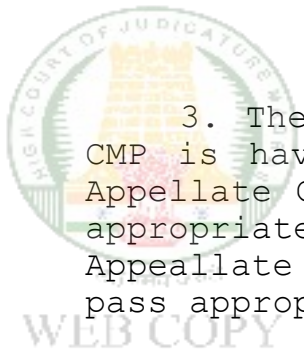
Prayer in CRP(MD). 881/ 2017 :

This Civil Revision Petition filed under Article 227 of the constitution of India To reverse and set aside the fair and decreetal order of the Principal District Judge, Madurai in I.A.No.125 of 2016 in A.S.No.5 of 2015, dated 31.1.2017

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. S,Malaikani, Advocate for the Petitioner and of Ms.V. Raghavachari, Advocate for the respondent(s), this Court made the following order:

This petition is filed to recall the order dated 15.11.2017 made in CRP.(MD).No.881 of 2017.

2. The argument of the learned counsel for the petitioner in this CMP is that this court passed the order recording the undertaking given by the revision petitioner to carry out essential repair works and they will not claim any right over the property and further a direction was issued to the First Appellate Court to dispose of A.S.No.5 of 2015 within a time frame, however, due to subsequent events, the order dated 15.11.2017 passed in CRP.(MD). No.881 of 2017, needs to be recalled.



3. The above argument has no merits. If the petitioner is CMP is having any grievance, he is at liberty to move the First Appellate Court where the case is pending for disposal and seek for appropriate relief and in such an event, it is for the First Appellate Court to take note of the submissions made before it and pass appropriate orders.

4. Therefore, the order dated 15.11.2017 passed in CRP.(MD). No.881 of 2017 needs no interference. Accordingly, this petition to recall the order dated 15.11.2017 is dismissed.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

TO

THE PRINCIPAL DISTRICT JUDGE, MADURAI

Copy to:

- 1 The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
- 2 THE SECTION OFFICER,
VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (2 Copies)

ORDER DATED : 03/02/2023

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ORDER
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CMP(MD) . No.231 of 2018
IN
CRP(MD) No.881 of 2017

Giving direction and etc.
as stated within.

MK/16.06.2023 2P 5C