



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

Friday, the Twenty Second day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN

CMP(MD) No.10826 of 2022

IN

CRP(MD) No.1248 of 2014

EIGHTEEN PATTARAI (JATHIAR),
SAMUDHAYA TRUST, SRIRANGAM,
REPRESENTED BY ITS TRUSTEE SRINIVASAN,
S/O. VISWALINGAM PILLAI,
NO.142, EAST ADAYAVALANJAN STREET,
SRIRANGAM, TRICHY - 6

... PETITIONER/ PETITIONER

Vs

1 MURUGESAN,

2 THE STATE OF TAMIL NADU,
REPRESENTED BY THE DISTRICT COLLECTOR,
TRICHY.

3 THE TAHSILDAR,
TAHSILDAR OFFICE, SRIRANGAM TRICHY DISTRICT.

4 THE COMMISSIONER,
TRICHY CORPORATION, CORPORATION OFFICE,
TRICHY - 01.

5 MANORANJITHAM,

... RESPONDENTS 2-5/ RESPONDENTS 2-5



Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to recall the order dated 18.11.2020 dismissing this Civil Revision Petition as infructuous and thus render justice.

PRAYER IN CRP(MD) No.1248 of 2014:

To set aside the Impugned order dated 07.04.2014 in IA 260 of 2014 in OS 815 of 1999 on the file of the learned First Additional District Munsif, Trichy.

ORDER : This Civil Miscellaneous 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.K.S. VAMSIDHAR, Advocate for the petitioner and of MR.J.K.JAYASELAN, Advocate on behalf of the Respondent nos. 2& 3, the Court made the following order:-

This petition has been filed by the petitioner to recall the order dated 18.11.2020 passed in the aforesaid Civil Revision Petition.

2. This Court, by order dated 18.11.2020, disposed of the Civil Revision petition in CRP.(PD)(MD)No.1248 of 2014, in the following terms:

"2. The learned counsel appearing for the petitioner, on instructions, would submit that the main suit itself has been disposed of and hence, this Civil Revision Petition has become infructuous.

3. Recording the said submission, this Civil Revision Petition is dismissed as infructuous. No Costs. Consequently, connected miscellaneous petition is closed."



3. The learned counsel for the petitioner submitted that the suit in O.S.No.815 of 1999 was transferred to the District Munsif - cum - Judicial Magistrate, Srirangam from the file of the First Additional District Munsif, Trichy and renumbered as O.S.No.1031 of 2019 and the same is pending. Without properly verifying the same, the erstwhile counsel made the representation that the main suit itself was disposed of. Based on the same, this Court dismissed the revision petition as having become infructuous. Hence, the learned Counsel sought to recall the order and restore the revision petition to file.

4. The above said submission made on the side of the petitioner has been fairly conceded by the learned counsel for the respondents.

5. It is evident from the webcopy produced on the side of the petitioner that the suit is still pending on the file of the District Munsif-cum-Judicial Magistrate, Srirangam. However, based on the wrong representation, the aforesaid civil revision petition was dismissed as infructuous on 18.11.2020. Therefore, this Court is inclined to recall the said order, but on terms, having regard to the fact that the petition seeking recall the order was filed belatedly (i.e.) after a period of two years.



6. Accordingly, the order dated 18.11.2020 passed by this court is recalled and the Civil Revision Petition is restored to file, subject to the condition that the petitioner shall pay a sum of Rs.3000/- towards costs to the Tamil Nadu Mediation and Conciliation Centre, High Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. On such payment and production of receipt, this civil miscellaneous petition stands ordered. Thereafter, Registry is directed to post the civil revision petition for hearing, before the Madurai Bench as per roster.

sd/-
22/09/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

The First Additional District Munsif, Trichy

Copy To

1 The Coordinator,
Tamil Nadu Mediation and Conciliation Centre,
High Court, Chennai.

2 The Section Officer
Judicial Section
Madurai Bench of Madras High Court, Madurai.



WEB COPY



ORDER
IN
CMP(MD) No.10826 of 2022
IN
CRP(MD) No.1248 of 2014
Date :22/09/2023

SSA/JGB/11.10.2023/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023