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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Monday, the Thirty First day of July Two Thousand and
Twenty Three

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

AND

The Hon`ble Mr.Justice N.ANAND VENKATESH

CMP(MD). No.12786 of 2022

in

REV.APLC(MD).No.7 of 2013

V.Rasappa,
Work Inspector(Rtd)
Planning and Design(Pwd), Palani.

... Petitioner/Petitioner

Vs

- 1 The Executive Engineer
Palnning and Design(Pwd)
Kamarajar Street
Near O.C.P.M School, Madurai-2.
- 2 The Superintending Engineer,
Plan Formation Circle(Pwd), Subramnaiapuram
Pilay House , Trichy-20.
- 3 The Special Chief Engineer(PWd)
Plan Formation(Wro) , Trichy.

... Respondent/Respondent

Prayer in CMP(md):No.12786/2022:-

This Civil Miscellaneous Petition filed under order 41 rule 21 of CPC. To recall

the Judgment dated 12-10-2022 Review Appln(MD).No.7 of 2013 for further hearing

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

and also appropriate order and thus render justice.



Prayer in Rev.Aplc(md):No.7/2013

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Review Application filed under Order XLVII, Rule 1 and 2 read with Section 114 of the Code of Civil Procedure against the order dated 20.04.2011 made in W.A. (MD)No.468 of 2010.

Prayer in WA(MD). 468/ 2010 :

Writ Appeal filed under Clause 15 of the Letter Patent To set aside the order dated 18.12.2009 made in W.P.(MD).No. 6921/2007 and allow the WA.(md). No.468/2010 and thus render justice.

Prayer in WP(MD). 6921/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Lr. No. 1294/06 E3/dt. 11/12/06 on the file of 3rd respondent and to quash the same and consequently direct the respondent to promote the petitioner to Grade I Work Inspector with retrospective effect from the date of regularisation of his service on 01/04/1976 with consequential benefits.

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. George Stephen, Advocate for the Petitioner and of Ms.

Sadiqraja, for the respondent(s), this Court made the following order:



This petition has been filed to recall the judgment passed on 12.10.2022 on the ground that the learned counsel who was appearing on behalf of the petitioner, namely Ganapathy, died during April 2019 and Mr.A.G.Senthil Kumar, who is also a counsel on record, died during the year 2022 and that the judgment was passed in the review application on 12.10.2022, when both the counsel were not alive and hence, no one appeared at the time of calling of the case.

2. We are satisfied with the ground raised in this petition. Accordingly, the judgment passed by us on 12.10.2022 is hereby recalled. Post this review application before the regular Bench.

Sd/-

Assistant Registrar(CS III)

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/08/2023

Sub Assistant Registrar(CS)

TO

1. The Executive Engineer
Palnning and Design(Pwd), Kamarajar Street
Near O.C.P.M School, Madurai-2.
2. The Superintending Engineer,
Plan Formation Circle(Pwd) ,Subramnaiapuram
Pilay House, Trichy-20.
3. The Special Chief Engineer(PWd)
Plan Formation(Wro) , Trichy.



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Hon`ble Mrs.Justice
J.NISHA BANU
AND
Hon`ble Mr.Justice
N.ANAND VENKATESH

ORDER DATED : 31/07/2023

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ORDER
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CMP(MD). No.12786 of 2022
in
Rev. APLC(MD)No.7 of 2013

Giving direction and etc.
as stated within.

MGJ(24.08.2023) 4P 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023