



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

Thursday, the Eighth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMP (MD) No.2940 of 2023

IN

SA (MD) No.15 of 2004

1 RAJAMMAL @ PECHIAMMAL

NAMBIRAJAN (DIED),

2 SELVAM

3 KUMAR

4 C.RAJAMMAL

5 P.GENGA DEVI

6 C.N.SAI VIGNESH

... Petitioners /
Respondents 1,3,4 & 9 to 11

Vs

RATHNASABAPATHY (DIED),

1 KALYANA SUNDARAM

2 KUTTY ALIAS SHANMUGA CHIDAMBARAM

SENTHIL KUMAR (DIED),

3 BALA KANDHIMATHINATHAN

4 GOMATHI@THAMAYANTHI

5 M.S.P.NATCHIAR

6 RAMKUMAR

... Respondents 1 to 6 /
Appellants 2,3 & 5 to 8

7 PUSHPAKALAVATHI

8 SABARIMUTHU



9 PONNAMBALAM

10 RATHINAMALA

... Respondents 7 to 10 /
Respondents 5 to 8

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to rehearing the above second appeal in SA(MD).No.15 of 2004 on the file of the Honourable Court disposed on 29-09-2022 as it just and essential to hear the submissions of the petitioner herein to meet the ends of justice.

Prayer in SA(MD) No.15 of 2004:

To set aside the judgment and decree dated 03.02.2004 made in A.S.No.11 of 2003 on the file of the Principal Subordinate Court, Tirunelveli confirming the judgment and decree dated 29.08.2002 made in O.S.No.444 of 1999 on the file of the II Additional District Munsif Court, Tirunelveli.

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 Mr.V.RAGHAVAN, Senior Counsel for M/S.ANANTH C.RAJESH, Advocate for the petitioners and of Mr.M.P.SENTHIL, Advocate for the Respondents, the court made the following order:-

This petition is filed to rehear the second appeal in S.A.(MD) No.15 of 2004, which was disposed on 29.09.2022.

2.Heard both sides. The only grievance of the respondents/petitioners herein is that they were not heard. The learned counsel for the appellants/respondents herein does not make any serious objection.

3. Having satisfied with the reasons stated in the affidavit filed in support of this petition and no objection being offered by the respondents' counsel, this petition stands allowed.

Post the matter for hearing at 2.15 p.m., on 30.06.2023 through Video Conferencing.

sd/-
08/06/2023

/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CMP(MD)



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To

1.The Principal Subordinate Judge,
Tirunelveli.

2.The II Additional District Munsif,
Tirunelveli.

Copy to:

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

ORDER
IN
CMP (MD) No.2940 of 2023
IN
SA(MD) No.15 of 2004
Date :08/06/2023

ED/BUC/SAR- (21/06/2023) 3P 4C