



C.M.P. No. 26450 of 2023
in Tr. C.M.P. No. 889 of 2023

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T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed to set aside the order dated 17.10.2023 passed by this court in Tr.C.M.P. No.889 of 2023 and to hear the arguments on the side of petitioner/2nd respondent herein.

2. Today, when the matter taken up for hearing, Mr.T.K.Premkumar, learned counsel for petitioner/2nd respondent would submit that when the matter was listed on 17.10.2023 with the name and address of the company in the cause list, the petitioner's counsel name was not printed in the cause list. Hence, his counsel did not appear under the impression that the petition was not listed. However, after uploading web copy of the said order, he came to know the fact and for that, he had also filed a complaint dated 01.11.2023 to the Registry stating that when he filed vakalat on 16th October 2023 itself, his name was not printed in the cause list. In the above circumstances, the transfer petition has been allowed on 17.10.2023 marking his absence. The learned counsel further submit that the petitioner



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is having bonafide case and his rights have been highly prejudiced, since he was not heard and unless this petition is ordered, the petitioner/2nd respondent would be put into much hardship and no prejudice would be caused to the respondents.

3. Considering the facts and circumstances and also considering the submissions of Petitioner/2nd respondent seems to be justifiable one, this Court is inclined to allow this petition. Accordingly, the order passed by this court dated 17.10.2023 is recalled and opportunity was given to the petitioner/2nd respondent for filing his objections.

4. Post the Tr.C.M.P. on 12.02.2024.

05.02.2024

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