



CMP(MD). No.6128 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

Monday, the Ninth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

**CMP(MD). No.6128 of 2024
in
CRP(MD)No.942 of 2020**

1. R.Sethuramalingam (Died),

2.S.Karpagarani

... Petitioners No.1 and 2/

Revision Petitioners No.1 and 2

..Vs..

1 Mayilrani (Died),

2 Rengammal

3 Balasubramaniam

4 Latha

... Respondents No.1 to 4/ Respondents No.1
to 4

5 Pandiayarajendran

6 Karthika

7 Mohankumar

... Respondents No. 5 to 7/ Proposed

Respondents No.5 to 7/LRS of the

deceased 1st Respondent

Prayer :-

Civil Miscellaneous Petition filed under order 9 Rule 9 of CPC To restore the order dated 15.03.2024 made in CRP(MD) No.942 of 2020 passed by this court and permit the petitioner to take fresh notice to the legal heirs of the deceased 1st respondent Mayilrani.



CMP(MD). No.6128 of 2024

Prayer in CRP(MD)No.942 of 2020 :

WEB COPY Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records in O.S.No.921 of 2019 dated 19.11.2019 on the file of the Sub Court, Dindigul and strike of the plaint with regard to the revision petitioners/2nd and 3rd defendants.

ORDER:- This Civil Miscellaneous Petition is 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 Mr. S.Sarvagan Prabhu, Advocate for the Petitioner and of Mr.S.Ramesh, Advocate for Respondent No.5, this Court made the following order:

Heard both sides.

2.The revision petitioners filed C.R.P(MD)No.942 if 2020. During the pendency of Civil Revision Petition, the first respondent passed away. The revision petitioners failed to take steps for bringing her legal heirs on record. In these circumstances, the Civil Revision Petition came to be dismissed as abated. Seeking restoration, this Civil Miscellaneous Petition has been filed.

3.It is pointed out that only set aside petition will lie and not a petition for restoration. The fifth respondent has also filed his counter affidavit. C.M.P(MD) No.6128 of 2024 is closed as not maintainable.



CMP(MD). No.6128 of 2024

4.Registry is directed to number C.M.P(MD)SR No.27452 of 2024.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS- I, II, III, IV)

MGA

TO

1. The Subordinate Judge, Dindigul.
2. The Sub Assistant Registrar (A.E),
Madurai Bench of Madras High Court, Madurai.

Copy to:

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

ORDER DATED : 09/09/2024

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ORDER

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CMP(MD). No.6128 of 2024

in

CRP(MD)No.942 of 2020

Giving direction and etc.
as stated within.

RD(20.09.2024) 3P / 4C

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

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