



C.M.P.(MD). No.6152 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Twenty Fifth day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

C.M.P.(MD). No.6152 of 2024

in

Tr.C.M.P.(MD).No.135 of 2024

J.Lavanya

... Petitioner / Resondent

-Vs-

Princely Jayakumar

... Respondent / Petitioner

Prayer in CMP(MD). No.6152 of 2024 in Tr.C.M.P.(MD).No.135 of 2024:-

Civil Miscellaneous Petition filed Under Order 41 Rule 21 of Civil Procedure Code, To RECALL THE ORDER made in above main Tr.C.M.P.(MD).No.135 of 2024 dated 28.03.2024 and to restore the same to its file before this Honourable Court and pass such further or other Orders as this Honourable Court may deem fit and proper in the circumstances of this case and thus render justice.

Prayer in Tr.C.M.P.(MD).No.135 of 2024:-

Transfer Civil Miscellaneous Appeal filed under Section 24 of Civil Procedure Code, to withdraw and transfer the above I.D.O.P.No.4876 of 2023 from the learned

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



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4th Additional Principal District Judge, Family Court, Chennai to the learned Family Court, Dindigul and club the same with the I.D.O.P.No.303/2023 on the file of the learned Family Court, Dindigul and decide the same on merits and pass such further or other order as this Hon`ble Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER:-

This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and earlier order of this Court and upon hearing the arguments of Ms.P.Yasmin Begum, Advocate for the Petitioner and of Mr.R.Varadharajan, Government Advocate for the respondent (s), this Court made the following order:

"This petition has been filed to recall the order dated 28.03.2024, passed in the Tr.C.M.P.(MD).No.135 of 2024.

2.The order was passed by this Court on 28.03.2024, noting that the respondent even though received notice and entered appearance through her counsel, did not appear either in person or through counsel. Now, this petition has been filed on the ground that the counsel for the respondent filed vakalath on 16.04.2024. Perusal of records shows that on 27.03.2024 one Mr.Manickam, learned counsel filed vakalath for the petitioner herein, who is the respondent in the main petition. When the



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matter was called on 28.03.2024, there was no representation for the respondent, who is the petitioner herein. So noting his absence, the order was passed. Later this petition has been filed seeking order recalling the above said order stating that he was not properly represented and heard.

3. There is no question of recalling the order. If the petitioner wants to review the matter, let proper application be filed for review the order. Then only, the matter can be.

4. With the above said liberty, this petition stands dismissed."

Sd/-

Assistant Registrar (CO)

// True Copy //

/08/2024

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

TM

TO

1. The IV Additional Principal District Judge,
Family Court,
Chennai

2. The Judge, Family Court,
Dindigul



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

ORDER DATED : 25/07/2024

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ORDER

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in

Tr.C.M.P.(MD).No.135 of 2024

Giving direction and etc.
as stated within.

SL(02.08.2024)/ 4P/ 4C

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