



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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Wednesday, the Twelfth day of June Two Thousand and Twenty Four

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CMP (MD) No.6658 of 2024
in

CRP (MD) No.39 of 2024

S. Kandasamy @ Srikanth

...Petitioner/5th Respondent

Vs

1 S. Hariharan

...1st Respondents / Petitioner

2 The Regional Transport Authority, Tenkasi District, Tenkasi 627811.

3 Valli

4 Subulakshmi

5 Indira

...Respondents 2 to 5/ Respondents

Prayer :-

Civil Miscellaneous Petition under order 41 Rule 21 of C.P.C., to order rehearing of the case in C.R.P. (MD) No.39 of 2024 on the file of this Court and dispose it off on merits or settle the property dispute between the brothers by referring it to mediation

Prayer in CRP (MD) 39/2024:

Civil Revision Petition filed under Article 227 of Civil Procedure Code, to set aside the order dated 09.10.2023 made in M.V.Appeal No.15 of 2023 on the file of the Tamil Nadu State Transport Appellate Tribunal, Chennai confirming the order of the 1st Respondent made in Proceedings in R. No. 7321/A3/2022, dated 31.01.2023 and allow the above Civil Revision Petition and pass such further or other orders as this Court may deem fit and proper under the circumstances of the case.



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ORDER:- This 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 Mr. JSR. Venkatramana, Advocate for the Petitioner and of Mr. A.C.Asaithambi, Government Advocate for the respondents, this Court made the following order:

This petition has been filed to rehear the C.R.P.(MD).No.39 of 2024 on the ground that the petitioner, who is the fifth respondent in main revision petition, was not served properly by the Court. Perusal of records shows that notice was ordered to all the respondents 1 to 4 on 01.02.2024. They did not appear. So their names were printed in the cause list on 22.02.2024. Similarly private notice sent to this petitioner herein was returned as unclaimed. In process written, it was found that intimation was already delivered to the petitioner herein. But, in spite of that he did not receive the notice. So the petitioner's name was also ordered to be printed in the cause list. On that date, the matter was heard in the presence of the revision petitioner's Advocate and Government Pleader for the first respondent. The order was passed on 22.03.2024 allowing the petition. To rehear the same this petition was filed.

2.The learned counsel for the respondent would submit that he is going to file counter. Since the Court records shows that the name of the petitioner was printed in the cause list and because of the returned endorsement made by the postal department official, they need not file any counter.



3. When the petitioner submit that he was not heard and order has been passed allowing the petition, it is the duty of this Court to hear the petitioner herein. On that sole ground, this petition stands allowed.

4. The order passed in C.R.P.(MD).No.39 of 2024 dated 22.03.2024, is hereby Recalled. Let the papers be served upon the petitioner herein and C.R.P.(MD).No.39 of 2024 be listed before the Roster Judge for hearing, since I have lost the Roster now.

Sd/-

Assistant Registrar(CO)

// True Copy //

/06/2024

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

TO

1. The Tamil Nadu State Transport Appellate Tribunal,
Chennai.
2. The Regional Transport Authority, Tenkasi District,
Tenkasi 627811.

Copy to:

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



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ORDER DATED : 12/06/2024

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ORDER

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CMP (MD). No.6658 of 2024

in

CRP (MD) No.39 of 2024

Giving direction and etc.
as stated within.

MGJ(27.06.2024) 4P 4C

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