



CMP(MD).No.12260 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Friday, the Twenty Second day of March Two Thousand and Twenty Four
PRESENT
The Hon`ble Mr.Justice S.SOUNTHAR
CMP(MD).No.12260 of 2023
in
SA.No.671 of 1999

1. M.Manikandan

2. M.Prabha ... Petitioners/Respondents 9 & 10

Vs

1 Rajammal ... 1st Respondent/ Appellant

2 Saraswathi @ Thaiyalu (Died)

3 Megarajan (Died)

4 Chidambara Ambalakarar (Died)

5 Somasundaram

6 Subramanian

7 Rajakumari

8 Seethalakshmi

9 M.Sundarammal

... Respondents No.2 to 9/
Respondents No.1 to 8

Prayer :-

Civil Miscellaneous Petition filed under Order 41 rule 21 of CPC to recall the order passed in S.A.No.671 of 1999 dated 03.03.2023.



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Prayer in S.A.No.671 of 1999 :

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Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 19.02.1999 made in A.S.No.60 of 1997 on the file of the Additional District Judge cum Chief Judicial Magistrate, Pudukkottai, reversing the judgment and decree dated 14.07.1994 made in O.S.No.419 of 1990 on the file of the District Munsif's Court, Aranthangi.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day (through Video Conferencing) and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.A.Arul Jenifer, Advocate for the Petitioner, this Court made the following order:

The Petitioners have filed this petition seeking to recall the order passed in S.A.No.671 of 1999, dated 03.03.2023.

2.The learned counsel appearing for the petitioners submits that second appeal was heard on 03.03.2023 and on that day his name was not appeared in the cause-list and threfore, he could not appear and argue the case.

3. A perusal of cause-list dated 03.03.2023 would indicate that on 03.03.2023 the name of the petitioners' Counsel M/s.A.Aruljenifer was printed in the cause-list for respondents 9 and 10. Therefore, the specific allegation made in the affidavit, as if, the name of the counsel was not printed on 03.03.2023 in the cause-list was not correct.



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4. It is also seen from the records that the 1st petitioner herein, who was arrayed as 9th respondent in the second appeal filed an additional written statement before this Court and the same was also referred to in Paragraph No.14 of the judgment passed in the second appeal. Therefore, the contention of the petitioners as if, the judgment in the second appeal was passed in their absence is not acceptable to this Court. Therefore, there is no merits in the petition seeking recall of the judgment passed by this Court in S.A.No.671 of 1999, dated 03.03.2023.

5. Accordingly, C.M.P(MD)No.12260 of 2023 is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/04/2024

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

dm

TO

1.The Additional District Judge cum
Chief Judicial Magistrate,
Pudukkottai.

2.The District Munsif, Aranthangi.

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



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ORDER DATED : 22/03/2024

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ORDER

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CMP(MD). No.12260 of 2023

in

SA.No.671 of 1999

RD(04/04/2024) 4P / 3C

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