



WEB COPY

CMP No. 6589 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

CMP No. 6589 of 2024

AND

SA NO. 252 OF 2004

Thangavel Adhikari (died)

1.Murugesan,
S/O.Late Thangavel Adhikari, NO.44,
Mariamman Koil St, Chinnasalem
Town, Chinnasalem Tk, Villupuram Dt.

2.T.Govindasamy
S/O.Late Thanagavel Adhikari,
Therodum Keezha Veedhi,
Chinnasalem Town, Chinnasalem Tk,
Villupuram Dt.

3.Muthammal
W/O.Murugesan Late, NO.439,
Thenmudiyanur, Nathakollai Theru,
Thandrapattu Tk, Tiruvannamalai Dt.

4.Mani
W/O.Udhayasuriyan Late, Mariamman
Koil St, Thenmudiyanur,
Thandrapattu Tk, Tiruvannamalai Dt.



5.Saroja

W/O.Sakrabani Adhikari (Late), No.35,
Kattukottai, Siruvathur Road,
Chinnasalem Town, Chinnasalem Tk,
Villupuram Dt.

6.Kannammal

W/O.Kaliyan Adhikari, No.35,
Kattukottai, Siruvathur Road,
Chinnasalem Town, Chinnasalem Tk,
Villupuram Dt.

Appellant(s)

Vs

Selvaraj (died)

1.Devarajan,
S/O.V.C.Ramasamy, NO.29,
Mariamman Koil St, Chinna Salem 606
201, Kallakurichi Tk, Villupuram Dt.

2.Chandra

W/O.Selvaraj, NO.29, Mariamman Koil
St, Chinna Salem 606 201, Kallakurichi
Tk, Villupuram Dt.

3.Ventherthiruchezhiyan

S/O.Selvaraj,
Ammani Ammal (Died).
NO.29, Mariamman Koil St,
Chinna Salem 606 201,
Kallakurichi Tk, Villupuram Dt,



4.T.Kathayee

W/O.M.Thangavelu (Late),

No.227, Salem Main Road,

Chinnasalem 606 201, Chinnasalem Tk,

Villupuram Dt.

5.Inmozhi

W/O.P.M.Selvaraj (Late),

12/58, Mariamman Koil St,

Chinnasalem 606 201, Chinnasalem Tk,

Villupuram Dt.

Respondent(s)

PRAYER:-This Petition has been filed under Section 151 of CPC, praying to reopen the above S.A.No.252 of 2004 and permit the counsel for the petitioners/respondent to put forth his arguments and dispose of the above second appeal.

For Appellant(s): Mr.A.G.Rajan

For Respondent(s): Mr.I.Inian
for M/s.T.Sai Associates

ORDER

This petition has been filed by the petitioners, who are the respondents in S.A.No.252 of 2004, seeking to reopen the above S.A.No.252 of 2004 and



permit the counsel for the petitioners/respondents to put forth his arguments and dispose of the above second appeal.

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2.Learned counsel for the petitioner would submit that the Second Appeal in S.A.No.252 of 2004 was decided in the absence of the petitioners herein on 12.10.2022. Though the said second appeal was listed on several occasions before disposing the same, the petitioners/respondents were not aware of the same due to the reason that the names of leaned counsel A.G.Rajan and the S.Deivaneethi has been typed in the cause list as “A.G. Rajan” and S. Deivaneethi” i.e., by adding double space between their name and their initials. While the learned counsel search their names in the daily cause lists through online, it does not appear due to the space entered between their names and initials and therefore, they were not aware that the case has been listed and could not appear before this Court. Hence, he would submit that the non-appearance of the counsel for the respondents in second appeal is neither wilful nor wanton and hence, prayed to repon the second appeal.

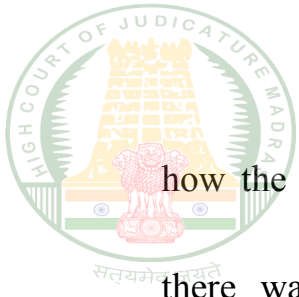


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3.Learned counsel appearing for the respondents strongly made an objection for reopening the second appeal. By referring the vakalat filed by the petitioners/respondents in second appeal, he would submit that the names of the learned counsel were printed with double space in the vakalat as A.G. Rajan and S. Deivaneethi, which was rightly reflected in the cause lists and therefore, there is no error in the printing of cause lists. Further, this Court only after considering the case on merits has disposed of the same and prayed for dismissal of the present petition.

4.Heard the learned counsel for the petitioners as well as the learned counsel appearing for the respondents and perused the materials available on record.

5.Considering the submissions made by the learned counsel for the petitioners and the learned counsel appearing for the respondents, this Court is of the view that as stated by the learned counsel for the respondents, the names of A.G. Rajan and S. Deivaneethi, has been printed in the cause lists exactly as



how the learned counsel mentioned their names in the vakalat and therefore,

there was no printing error in the cause lists. Further, this Court after

considering the case on merits, has disposed of the second appeal and in

paragraph No.12 of the order dated 12.10.2022, this Court has clearly

mentioned the dates on which the second appeal was listed and since there was

no appearance for the respondents therein, it was taken up for final disposals.

Hence, this Court does not find any merits in the submissions made by the

learned counsel for the petitioners/respondents.

6.In the result, this Civil Miscellaneous Petition is dismissed. No costs.

06-08-2025

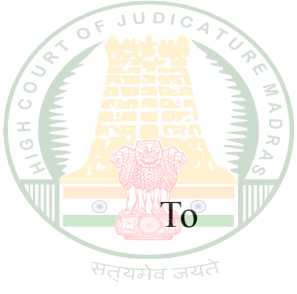
rst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
1. Devarajan,
S/O.V.C.Ramasamy,
NO.29, Mariamman Koil St,
Chinna Salem 606 201,
Kallakurichi Tk, Villupuram Dt.

2. Chandra,
W/O.Selvaraj,
NO.29, Mariamman Koil St, Chinna
Salem 606 201, Kallakurichi Tk,
Villupuram Dt.

3. Venterthiruchezhiyan
S/O.Selvaraj,
Ammani Ammal (died)
NO.29, Mariamman Koil St, Chinna
Salem 606 201, Kallakurichi Tk,
Villupuram Dt, Ammani Ammal (Died).

4. T.Kathayee
W/O.M.Thangavelu (Late), No.227,
Salem Main Road, Chinnasalem 606
201, Chinnasalem Tk, Villupuram Dt.

5. Inmozhi
W/O.P.M.Selvaraj (Late), 12/58,
Mariamman Koil St, Chinnasalem 606
201, Chinnasalem Tk, Villupuram Dt.



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KRISHNAN RAMASAMY J.

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