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CMP NO. 10676 of 2024
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23-01-2025**

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CMP NO. 10676 of 2024 in SA No.759 of 2017

V Kasirajan(Died), K.Anbu Selvi
W/o.Mr.J.Shankar, New Door No.22, Old Door
No.14/15, Saambasivam Street, Thoppugana, Arcod,
Vellore District.

Appellant(s)

Vs

K Murthy
S/o. V.Kasirajan, New No.37, Old No.15, 2nd Street,
K.G.Gardens, Perungalloor, Chennai-600 082

Respondent(s)

For Appellant(s):

Mr.P.Vijendran
For M.Kalyani

For Respondent(s):

Mr.M.Stalin

ORDER

This application has been filed to re-hear the Second Appeal in
S.A.No.759 of 2017 which has been disposed of on 29.02.2024.

2. Heard the learned counsel for the parties.

3. According to the learned counsel for the applicant, Second Appeal was
allowed ex parte and the respondent did not have an opportunity to contest the
proceedings and defend the judgment in their favour. Learned counsel also
stated that due to health reasons, the applicant could not contact the local
counsel.



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P.B.BALAJI,J.,

SR

4. Learned counsel for the respondent has filed a detailed counter objecting to the maintainability of the petition and further submits that it cannot be termed as exparte judgment as claimed by the applicant.

5. Admittedly, the respondent was served. However, he did not choose to engage a counsel. The second respondent engaged a counsel, but he did not represent the matter when the second appeal was finally argued. The remedy of the applicant is not by way of filing an application to re-hear the Second Appeal. It is always open to the applicant to explore the possibility of other avenues to challenge the judgment in S.A.No.759 of 2017 dated 29.02.2024.

6. With the above observation, CMP No.10676 of 2024 is not maintainable and the same is dismissed. However, the order shall not preclude the applicant to pursue the other avenues to challenge the judgment dated 29.02.2024.

23-01-2025

To
1. K Murthy
S/o. V.Kasirajan, New No.37, Old No.15, 2nd Street,
K.G.Gardens, Peruvallloor, Chennai-600 082

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