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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Twelfth day of August Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CMP(MD). No.7852 of 2022

in

C.R.P(MD)No.450 of 2022

S. Chandrasekaran
S/o.Sree Ramachandran No.16/79 Ottayalvilai
Kanyakumari Post Kanyakumari Village
Agasteeswaram Taluk
Kanyakumari District.

... Petitioner / Respondent 7

Vs

1 Arumai Packiam Manuel Charitable Trust,
Rep.By its Trustees,
Agasteeswaram and Post, Agasteeswaram
Village, Agasteeswaram Taluk, Kanyakumari
District.

2 N.Isac Daniel,

3 N.Bright Livingston,

... Respondents 1 to 3 / Petitioners 1 to 3

4 N.Justin,

5 M.Rajasekaran,

6 K.Xavier,

<https://www.mhc.tn.gov.in/judis>
7 C.Aruputharajan,



8 J.Tituslivigston,

9 Catherin Selvabai.

... Respondents 4 to 6 / Petitioners 1 to 6

Prayer :-

Civil Miscellaneous Petition filed under order 41 Rule 21 of CPC to Recall the order dated 10-03-2022 made in CRP(MD).No.450 of 2022.

Prayer in C.R.P(MD)No.450 of 2022:-

Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to the fair and decreetal order dated 11.01.2022 passed in I.A.No.10 of 2021 in O.S.No.223 of 2012 on the file of the II Additional Subordinate Judge, Nagercoil.

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.R. Gandhi Senior counsel R. Ramanujam, Advocate for the Petitioner and of Mr. D. Saravanan Advocate for the 3rd respondent, this Court made the following order:

'This petition is filed to recall the order passed by this Court in C.R.P. (MD)No.450 of 2022 dated 10.03.2022.

<https://www.mhc.tn.gov.in/judis> 2. The petitioner is one of the defendants in the suit in O.S.No.223 of 2022

and one of the respondents in C.R.P.(MD)No.450 of 2022. The plaintiffs in the suit



have filed the above Civil Revision Petition on the ground that the application in I.A.No.10 of 2021 for amendment under Order VI Rule 17 and Section 151 of CPC to amend the plaint and the provision regarding payment of Court fee filed by them was dismissed. However, without ordering notice to the petitioner in this petition or to the other defendants, this Court allowed the Civil Revision Petition and the same is not sustainable. On this sole ground, this Civil Miscellaneous Petition is allowed and the order passed by this Court in C.R.P. (MD)No.450 of 2022 dated 10.03.2022 is recalled.

3.The Registry is directed to restore the Civil Revision Petition to file.'

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2025

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

TO

The Judge,
II Additional Subordinate Court,
Nagercoil.

Copy to:

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



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ORDER DATED : 12/08/2025

ORDER

CMP(MD). No.7852 of 2022
in
C.R.P(MD)No.450 of 2022

Giving direction and etc.
as stated within.

TS (08/09/2025) 4P/4C

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