



C.M.P.(MD).No.749 of 2026
in
CMA (MD). No.648 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.P.(MD).No.749 of 2026
in
CMA (MD). No.648 of 2023

Rajini Mahalingam

...Petitioner/2nd Respondent

-Vs-

1. M.Manikandan
2. Aarthi
(The 2nd Appellant represented by
her power agent who is the 1st
appellant herein on the basis of the
power of attorney dated 11.08.2016)

...Respondent Nos.1 and 2/Appellants

3. Maheswari
4. N.Nagalingam
R.Shanmugam, (Died),
5.Jambukeswari

(Impleaded as LR of deceased
R.Shanmugam / 5th defendant)

(As per the order in I.A.No.2/2019
dated 23.07.2019)

...Respondents/Respondent Nos.1, 3 and

4

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Prayer: Criminal Miscellaneous Petition is filed under Order XLI Rule XXI of CPC to rehear the C.M.A.(MD) No.648 of 2023 by set aside the order dated 10.09.2024 in C.M.A.(MD) No.648 of 2023.

For Petitioner : Mr.H.Arumugam
for Mr.R.Rajamohan

For Respondents : Mr.D.Rajkumar
for Mr.J.Ashok (for R1)
Mr.S.Meenakshi Sundaram
Senior Counsel
for Mr.S.M.Sengu Vijay (for R3)
No Appearance for R2

ORDER

This petition has been filed to rehear the C.M.A.(MD) No.648 of 2023 by set aside the order dated 10.09.2024 in C.M.A.(MD) No.648 of 2023.

2. It is the case of the petitioner, who was the second respondent in C.M.A.(MD) No. 648 of 2023, that she was not heard in an appeal challenging the order of probate granted in favour of the first respondent herein.

3. By the order dated 11.04.2022 in O.P.No.2 of 2015, probate was granted to the 1st respondent herein in respect of the Will dated 14.09.2005



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executed by the deceased testator and the appellants, who were respondents 2 and 3 in the Probate Petition filed by the 1st respondent herein, had challenged the said order in the above CMA. The petitioner, who was arrayed as the 2nd respondent in the above CMA has now filed this petition seeking a rehearing of the case on the ground that she was not heard in the above appeal.

4. It is seen that the petitioner had not challenged the order that was impugned in CMA (MD) No.648 of 2023. If she was really an aggrieved person, she ought to have challenged the order granting probate. Hence, this Court is of the view that this petition to rehear the case is an afterthought. That apart, the appellants in the aforesaid CMA had challenged the judgment passed by this Court before the Hon'ble Supreme Court in SLP (Civil) Diary No(s). 40129/2025 and the Hon'ble Supreme Court had dismissed the said SLP by order dated 31.10.2025.

5. All the above facts confirm that the instant petition to rehear the case is an abuse of process. Hence, the Civil Miscellaneous Petition, i.e., CMP (MD) No.749 of 2026, is dismissed.

09.02.2026

NCC : Yes / No

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dk/lars

: Yes / No



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SUNDER MOHAN, J.

dk

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