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CMP(MD) NO. 858 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04-03-2026**

CORAM

THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

CMP(MD) NO. 858 of 2026

in

CRP(MD)No.2189 of 2018

Arafat

Petitioner(s)

Vs

Appavoo Asari (Died)

1.Ramakrishnan

2.Arumugam

Suba.Subramanian (Died)

3.K.Sathiyamoorthy

4.Karuppiah

5.Indiragandhi

6.Kamaraj

7.Kootha Perumal

Respondent(s)

For Petitioner(s):

Mr.J.Barathan
for M/s.Ajmal Associates

For Respondent(s):

M/s.Suriya
for Mr.R.Paranjothi for R-2
Mr.T.Leninkumar for R-3



Prayer:

To set aside the order dated 05.12.2023 and to restore the Civil Revision Petition in C.R.P.(MD)No.2189 of 2018.

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ORDER

Heard Mr.J.Barathan for the petitioner, M/s.Suriya representing Mr.R.Paranjothi for the second respondent and Mr.T.Lenin Kumar for the third respondent.

2. This application has been filed to set aside the order of dismissal dated 05.12.2023 passed by this Court in C.R.P.(MD).No.2189 of 2018.

3. When the matter was listed before the Hon'ble Mr.Justice P.B.Balaji on 05.12.2023, it was represented by the learned counsel for the respondents that the suit itself had been dismissed for default on 24.03.2022. Recording the same, this Court dismissed the Civil Revision Petition as infructuous.

4. Thereafter, a mention was made to the learned Judge to list the matter “for being mentioned”.

5. At that stage, it was stated by the civil revision petitioner that the suit stood restored onto the file of the District Munsif Court, Aranthangi and therefore, dismissing the revision as infructuous requires to be recalled. The learned Judge did not accede to the said request being made under the caption “for being mentioned”. He left it open to the revision petitioner to take out an appropriate application to set aside the order of dismissal. Consequently, the civil revision petitioner has filed this petition.



6. A perusal of the affidavit filed in support of this petition shows that, on an application being filed by the plaintiff/civil revision petitioner, the suit has been restored onto the file of the learned District Munsif, Aranthangi. The sole ground on which the revision was dismissed as infructuous was that the suit had been dismissed on 24.03.2022. As the suit has been restored, the civil revision petitioner would be entitled to prosecute this revision. Hence, the order passed by this Court in CRP(MD)No.2189 of 2018 dated 05.12.2023 is set aside and the Civil Revision Petition is restored onto the file of this Court.

7. Accordingly, this Civil Miscellaneous Petition stands allowed.

04-03-2026

Lm

To
The District Munsif Court,
Aranthangi.