

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P (PD) No.1985 of 2015

and

M.P.No.1 of 2015

1.T.Sahadevan
2.D.Manimaran
3.R.Komala
4.R.Saravanan
5.R.Sethuraman
6.R.Logabharthi
7.R.Myleswari
8.R.Thara
9.E.Susmathi
10.E.Iyappan

... Petitioner

Vs.

Smt.R.Vasuki
(Cause title accepted vide order of the
Court dated 28.04.2015)

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India parying to set aside the impugned order dated 25.03.2015 passed in unnumbered memo in O.S.No.2366 of 2014 on the file of XVI Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.Udayakumar
For Respondent : Mr.S.Rajendran

ORDER

The revision petitioners are the plaintiffs in O.S.No.2132 of 2010 on the file of XIII Assistant Judge, City Civil Court, Chennai. The respondent herein is the defendant therein. The respondent herein filed O.S.No.2366 of 2014 on the file of XVI Assistant Judge, City Civil Court, Chennai, wherein the revision petitioners are the defendants.

2. The revision petitioners sought for appointment of a Commissioner in the suit filed by them in O.S.No.2132 of 2010 and Advocate Commissioner was appointed. He gave a report dated 11.11.2010 stating that the respondent herein objected for measuring her property and hence, he was returning the warrant.

3. The said report is sought to be marked by the respondent herein, who filed O.S.No.2366 of 2014. The same was objected by the revision petitioners. But an order dated 25.03.2015 was passed by the learned XVI Assistant Judge, City Civil Court, Chennai permitting the respondent herein to mark the certified copy of the Commissioner Report filed in O.S.No.2132 of 2010 on the file of XIII Assistant Judge, City Civil Court, Chennai.

4. This Civil Revision Petition is filed against the aforesaid order dated 25.03.2015 permitting the respondent herein, who is the plaintiff in O.S.No.2366 of 2014 to return the warrant of the Advocate Commissioner in O.S.No.2132 of 2010, to mark the same.

5. Heard both sides.

6. As rightly contended by the learned counsel for the revision petitioner, the document cannot be marked without subjecting the Advocate Commissioner for cross examination. Otherwise, there is no objection for the revision petitioners to bring the same on record. I am in full agreement with the submission made by the revision petitioners that unless the respondent herein produces the Advocate Commissioner for cross examination, the document shall be eschewed from consideration.

With the above observation, this Civil Revision Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

10.09.2015

Index : yes
Internet: Yes
vsm

To

The XVI Assistant Judge, City Civil Court, Chennai.

D.HARIPARANTHAMAN,J.

vsm

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