

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM :

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.Nos.3301 & 3302 of 2015

&

M.P.Nos.1 & 1 of 2015

C.R.P.No.3301/2015

1.Krishna chetty

2.Govindarajan ... Petitioners/Petitioners/Defendants

Vs.

Meenatchi Sundari ... Respondent/Respondent/Plaintiff

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair order and decree dated 04.09.2013 made in I.A.No.1190 of 2011 in O.S.No.828 of 2007 on the file of the Additional District Munsif, Namakkal.

For Petitioners : Mr.S.Ramesh Kumar

C.R.P.No.3302/2015

1.Krishna chetty

2.Govindarajan ... Petitioners/Petitioners/Defendants

Vs.

Meenatchi Sundari ... Respondent/Respondent/Plaintiff

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair order and decree dated

04.09.2013 made in I.A.No.1191 of 2011 in I.A.No.1378 of 2007 in O.S.No.828 of 2007 on the file of the Additional District Munsif, Namakkal.

For Petitioners : Mr.S.Ramesh Kumar

C O M M O N O R D E R

The revision petitioners are the defendants in O.S.No.828 of 2007 on the file of the Additional District Munsif Court, Namakkal. The respondent herein is the plaintiff in the said suit.

2. The respondent/plaintiff has filed an application in I.A.No.1378 of 2007 for appointment of an Advocate Commissioner. The crucial date on which the Advocate Commissioner made an inspection is 30.08.2009 and he also submitted his report. Admittedly, no objection has been filed by the revision petitioners/defendants to the report of the Advocate Commissioner.

3. While so, the revision petitioners/defendants filed an application in I.A.No.1191 of 2011 in I.A.No.1378 of 2007 in O.S.No.828 of 2007 to scrap the report of the Advocate Commissioner. The revision petitioners/defendants had also filed another application in I.A.No.1190 of 2011 in O.S.No.828 of 2007 for appointment of fresh Advocate Commissioner to note down the physical features of the suit property and submit his report with plan. Both the aforesaid applications were dismissed by the Trial Court on 04.09.2013 and the present Civil Revision Petitioners are preferred against the said orders.

4. Heard the learned counsel appearing for the revision petitioners.

5. The learned counsel for the revision petitioners has not disputed that the revision petitioners did not file an objection to the report of the Advocate Commissioner. Furthermore, the Advocate Commissioner had also deposed as a witness while deciding the application in I.A.No.1191 of 2011 in O.S.No.828 of 2007 and through him, the Court documents 1 to 6 were marked. The Document No.4 is the receipt for the notice received by the learned counsel for the revision petitioners on 25.08.2009 about the inspection of the Advocate Commissioner.

6. But the contention of the revision petitioners is that the Advocate Commissioner inspected the suit property without notice to the respondents. However, it is very clear that the learned counsel for the revision petitioners had received the notice on 25.08.2009 and the same is also not disputed. Hence, I do not find any irregularity in the order of the Trial Court in rejecting the applications preferred by the revision petitioners.

7. Accordingly, both the Civil Revision Petitions fails and the same are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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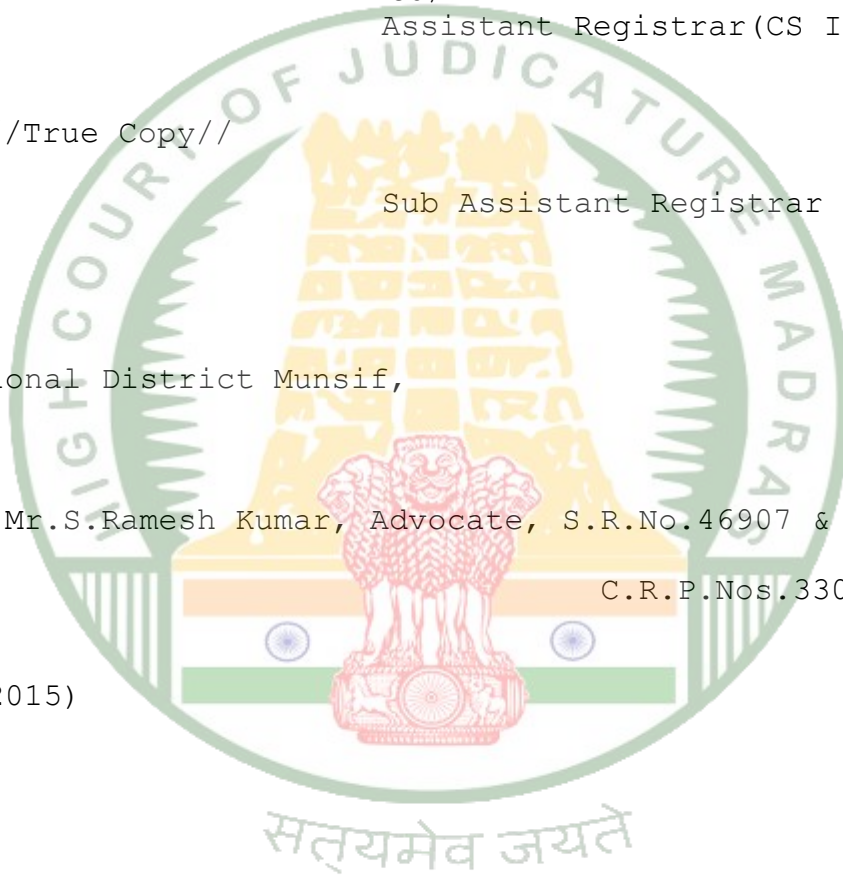
To

The Additional District Munsif,
Namakkal.

+2cc's to Mr.S.Ramesh Kumar, Advocate, S.R.No.46907 & 46908

C.R.P.Nos.3301 & 3302 of 2015

VSN(CO)
CA(24/09/2015)



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