

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2015

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THE HONOURABLE MR.**JUSTICE D.HARIPARANTHAMAN**

**CRP (PD) No.4276 of 2015
and M.P.No.1 of 2015**

Murugan

... Petitioner

VS.

S.Mani @ Thavamani

... Respondent

Civil Revision Petition has been filed against the return order dated 29.09.2015 made in IA SR.No.2575 of 2015 in OS No.22 of 2011 on the file of the learned District Munsif Court, Arakkonam.

For Petitioner : Mr.G.Jeremiah

ORDER

The revision petitioner is the defendant in OS.No.22 of 2011 on the file of the District Munsif Court, Arakkonam and the respondent herein is the plaintiff therein. The details of the suit are not necessary for disposal of this Civil Revision Petition.

2.Pending suit, an Advocate Commissioner was appointed at the instance of the respondent / plaintiff and the Advocate Commissioner also filed his report.

3.While so, the revision petitioner / defendant filed an application in IA.SR.No.2575 of 2015 in OS No.22 of 2011 to condone the delay in filing the objection to the Advocate Commissioner's report and to

receive the same.

4.However, the aforesaid IA.SR.No.2575 of 2015 was returned on 29.09.2015 by the District Munsif Court, Arakkonam on the ground that the Commissioner's petition was closed on 08.10.2013 and hence, the said application to receive the objection to the Advocate Commissioner's report was not maintainable.

5.Questioning the aforesaid return order dated 29.09.2015, the revision petitioner / defendant filed the present Civil Revision Petition.

6.The learned counsel for the revision petitioner submits that trial has commenced and PW1 is yet to be cross examined in the aforesaid suit.

7.In these circumstances, I am of the view that the objection to the Advocate Commissioner's report filed by the revision petitioner / defendant could be received. In the event of receiving the same by the trial court, no prejudice would be caused to the respondent / plaintiff.

8.Hence, the learned District Munsif, Arakkonam is directed to condone the delay and number IA.SR.No.2575/2015 in OS No.22/2011 and dispose of the same in the manner known to law within a period of

four weeks from the date of receipt of a copy of this order.

9.The Civil Revision Petition is disposed of, in the above terms.
No costs. Consequently, connected miscellaneous petition is closed.

10.Registry is directed to return the original copy of the affidavit, petition, objection filed to the Advocate Commission's report and the impugned order filed along with the Memorandum of Grounds of Civil Revision Petition to the learned counsel for the revision petitioner.

29.10.2015

Index:Yes/No
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To

1.The District Munsif Court, Arakkonam.

**NOTE TO OFFICE:
ISSUE ORDER COPY ON 02.11.2015**

D.HARIPARANTHAMAN, J.

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C.R.P. (PD) No.4276 of 2015

29.10.2015