



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2016

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Rev.Aplc.(MD) Nos.100 and 101 of 2015

and

M.P.(MD).Nos.1 and 2 of 2015

Rev.Aplc.(MD).No.100 of 2015 :

K.Kumarasamy

..Petitioner

Vs.

1.Thangammal

2.N.K.Ramasamy

..Respondents

Rev.Aplc.(MD).No.101 of 2015 :

K.Kumarasamy

..Petitioner

Vs.

1.Thangammal

2.R.Jayanagammal

3.J.Rajaretnam

4.R.Jeyakumar

5.R.Pravin

6.N.K.Ramasamy

..Respondents

COMMON PRAYER: Review applications have been filed under Order XL VII Rule 1 of C.P.C. read with Section 114 of C.P.C. praying to review the common order dated 11.03.2015 passed in C.R.P.(MD).No.2546 and 2607 of 2010 on the file of this Court by allowing the review applications.

Prayer in CRP(MD).2546/2010:

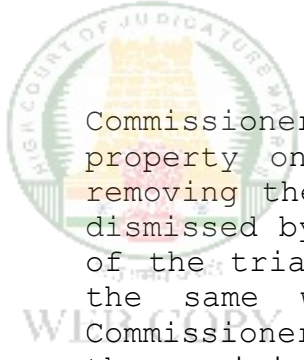
To call for the records pertaining to the fair and decreetal order passed by the Principal Subordinate Judge, Nagercoil in IA.No. 275/2009 in OS.No. 159/2009 dated 08.10.2010 and may set aside the same and allow the commission application filed by these petitioners as prayed for and may pass such other or further orders as this Honourable Court may deem fit and proper in the circumstances of case.

Prayer in CRP(MD).2607/2010:

To call for the records pertaining to the fair and decreetal order passed by the Principal Subordinate Judge, Nagercoil in IA.No. 198/2009 in OS.No. 129/2009 dated 08.10.2010 and may set aside the same and allow the commission application filed by these petitioners as prayed for and may pass such other or further orders as this Honourable Court may deem fit and proper in the circumstances of case.

For Petitioner in both the
petitions

...Mr.K.Vamanan



Commissioner to find out the number of trees in existence in the suit property on the allegations that the defendants had been cutting and removing the trees from the suit properties. The said applications were dismissed by the trial Court. On revisions before this Court, the orders of the trial Court in the interlocutory applications were set aside and the same were remanded to the trial Court for appointment of a Commissioner. Seeking to review the said order, the first respondent in the revision petitions / the first defendant in the suits, has filed these review petitions.

2. Heard the learned counsel for the petitioner.

3. There is no valid ground raised in the review petitions. In a review petition, unless there is error apparent on the face of the record in the order, the same cannot be interfered with. More so, in these cases, the interlocutory orders were set aside and the same were only remanded to the trial Court for appointment of a fresh Commissioner over which neither of the parties could not have any grievance. Hence, these review petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

4. At this juncture, it is represented that though the order was passed on 11.03.2015, no progress has been shown in the suit till today. Hence, the Principal Subordinate Judge, Nagercoil is directed to dispose of the suits within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar(CS)

To
The Principal Subordinate Judge,
Nagercoil.

+4cc to Mr.K.Vamanan, Advocate in SR.20715 & 20716

Rev. Aplc.(MD) Nos.100 & 101 of 2015
12.04.2016

gcb
PBK/SK-SKN/SAR-I 18.04.2016 ::2P-6C: