

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.1013 of 2014 and
MP.Nos.1 and 2 of 2014

N.Ambika

...Petitioner

versus

Rajendran

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the petition and order dated 10.03.2014 made in I.A.No.3830 of 2014 in O.S.No.5678 of 2013, on the file of VI Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.P.Ramar for
Mr.J.Kannan

For Respondent : Mr.J.Kalidas

ORDER

The respondent filed an application for appointment of Advocate Commissioner in I.A.No.3830 of 2014 before the VI Assistant Judge, City Civil Court, Chennai. The Trial Court wanted the petitioner to file counter. Since the petitioner failed to file counter, the Trial Court allowed the application. The said order is under challenge in this Civil Revision Petition.

2. Heard the learned counsel for the petitioner and the learned counsel on behalf of the respondent.

3. The documents available on record indicates that the respondent filed an application for appointment of Advocate Commissioner with an allegation that in spite of interim injunction granted by the Court, the petitioner trespassed into the property and caused considerable damages to the building. The respondent filed a petition to punish the petitioner and her son on account of the violation of the order of injunction. It was only to report about the damages caused to the building by the petitioner and her men, in violation of the order passed by the Court, the respondent made a request for appointment of Advocate Commissioner. The Trial Court has given sufficient opportunity to the petitioner to file counter. The petitioner, for reasons best known failed to file counter. The learned Trial Judge was therefore perfectly correct in allowing the application. I do not find any error or illegality in the order warranting interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

4. In the up shot, I dismiss the Civil Revision Petition. No costs.
Consequently, connected miscellaneous petitions are closed.

25.11.2016

Index : Yes/No
svki

To

The VI Assistant Judge, City Civil Court, Chennai.

K.K.SASIDHARAN, J.

(svki)

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