

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

**C.R.P.(PD)No.15 of 2014 and
M.P.No.1 of 2014 and
CMP.No.1803 of 2016**

1.T.K.Arumugam (Deceased)

2.Durga Arumugam

.. Petitioner

(2nd Petitioner brought on record as LRs of
the deceased sole petitioner vide order
of this Court dated 12.08.2016 made in
CMP.No.4234 to 4236 of 2016
in CRP(PD)No.15 of 2014)

Vs

Sivagamasundari

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the
Constitution of India, against the Fair and Decreetal order made in
I.A.No.787 of 2012 in O.S.No.170 of 2010 dated 12.11.2013, on the
file of District Munsif Court at Udhagamandalam.

For Petitioner : Mr.K.Premkumar

For Respondent : Mr.N.Sampath

ORDER

This petition is filed praying to set aside the fair and decreetal order, dated 12.11.2013 made in I.A.No.787 of 2012 in O.S.No.170 of 2010 on the file of District Munsif Court, Udhagamandalam.

2.The learned counsel appearing for the petitioner represented that already a suit has been filed in O.S.No.170 of 2008, on the file of District Munsif Court, Udhagamandalam, in which an application in I.A.No.787 of 2012 was filed by the defendant/respondent for appointment of Advocate Commissioner. After hearing both sides, the application was dismissed by the learned Trial Judge.

3.Pursuant to the above order, the Advocate Commissioner has also filed his report dated 16.07.2009 before the trial Court. The petitioner/plaintiff also filed a suit in O.S.No.170 of 2010 in I.A.No.787 of 2012 in seeking for appointment of Advocate Commissioner and the same was dismissed on 12.11.2013. Against which, the present Civil Revision Petition has been filed.

4.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the

materials available on record.

5.Though earlier Advocate Commissioner's report was filed on 16.07.2009 and marked as Ex.C1 in O.S.No.190 of 2008 and this respondent has no serious objection, but his only request is that the said document may be marked in the present suit in O.S.No.170 of 2010.

6.Therefore, recording the above submission, the Advocate Commissioner's report dated 16.07.2009 is directed to be marked as Court document in O.S.No.170 of 2008. The trial Court is directed to dispose of the suit in O.S.No.170 of 2008, within a period of three months from the date of receipt of a copy of this order. In this regard, both parties are directed to co-operate for early disposal of the suit.

7.Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

02.09.2016

vs

Index: Yes/No

Internet: Yes/No

M.V.MURALIDARAN.J.,

VS

To

The District Munsif Court,
Udhagamandalam.

C.R.P.(PD)No.15 of 2014 and
M.P.No.1 of 2014 and
CMP.No.1803 of 2016

02.09.2016