

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.4040 of 2015
and M.P.No.1 of 2015

D.Shanmugasundaram

.. Petitioner

-Vs.-

1. D.Paramasivam

2. Samboornam

.. Respondents

Civil Miscellaneous Appeal against the fair and and decretal order dated 18.04.2015 made in I.A.No.950 of 2014 in O.S.No.66 of 2014 on the file of the I Additional District Munsif Court, Erode.

For petitioner ... Mr.M.Guruprasad

For respondents ... No Appearance

O R D E R

The plaintiff in O.S.No.66 of 2014 is the revision petitioner on the file of the I Additional District Munsif Court, Erode.

2. I.A.No.950 of 2014 in O.S.No.66 of 2014 was filed for appointment of an Advocate Commissioner and the same was allowed.

The report and plan was already posted as NFA. As the petitioner had not taken steps under Rule 83 of the Civil Rules of Practice, the said application was closed. Aggrieved by the same, the above Civil Revision has been filed.

3. As the prayer sought for in I.A.No.950 of 2014 is only for appointment of an Advocate Commissioner, which had already been allowed, the same need not be taken away on mere technical grounds.

4. Be that as it may, the learned counsel for the petitioner represents that the said Advocate Commissioner, has now been appointed as a Judicial Officer and he is not available to execute the warrant. Hence, seeks permission to appoint another Advocate as Commissioner.

5. Hence, I.A.No.950 of 2014 is remitted back to the trial Court and the learned District Munsif, Erode is directed to appoint a fresh Advocate Commissioner.

6. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.12.2016

srn

To

The I Additional District Munsif,
Erode

PUSHPA SATHYANARAYANA.J

srn

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