

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2016

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.No.3362 of 2009

and

M.P.No.1 of 2009

1. K.Arikrishnan

2. Narayanasamy

... Petitioners

Versus

1. Valliammal

2.Piere Rajendhiran

3.The Sub-Registrar of Documents,
Office of the Oulgaret Sub Registrar of Documents
Oulgaret, Puduchery

...Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order of the learned Additional Subordinate Judge, Pondicherry dated 13.02.2009 in C.M.A.No.9 of 2008, thereby remanding the I.A.No.1038 of 2007 in O.S.No.882 of 2004 on the file of the Second Additional District Munsif, Pondicherry dated 10.03.2008 for fresh disposal by appointing a fresh Advocate Commissioner.

For Petitioners

: Mr.Bharatha Chakravarthy

for M/s.Sai, Bharath and Ilan

For Respondent-1

: Mr.D.Aravindan

For Respondent-2 : Died
For Respondent-3 : No Appearance

ORDER

The Civil Revision Petition is directed against the judgment dated 13.02.2009 in C.M.A.No.9 of 2008 on the file of the learned Additional Sub Judge at Puducherry.

2. Initially, I.A No.1038 of 2007 in O.S.No.882 of 2004 was filed on the file of learned II Additional District Munsif, Puducherry by the first respondent for interim injunction, directing the Sub Registrar, Oulgaret, Puducherry not to make any kind of deeds in respect of the petition mentioned property situated in R.S.No.89/2. The trial Court, after considering the arguments, dismissed the petition, aggrieved by which, C.M.A.No.9 of 2008 was filed by the plaintiff, before the Sub Court, Puducherry. The Appellate Court remanded the matter to the trial Court and allowed the Civil Miscellaneous Appeal, with a direction to appoint fresh Advocate Commissioner to identify the property. Hence, the present Civil Revision Petition has been filed by the petitioners against the above said judgment in Civil Miscellaneous Appeal.

3. At the time of admission, only notice of motion was ordered and no interim order was granted. In view of the same, it is represented by the learned counsel for the petitioners that fresh Advocate Commissioner was already appointed by the trial Court and the report is awaited.

4. Though the matter has become infructuous, it is open for the parties to raise any objection with respect to the report of the Advocate Commissioner at appropriate stage. The suit is of the year 2004. The learned II Additional District Munsif, Puducherry, is directed to dispose of the suit on or before 30th April 2016 and report compliance to this Court.

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

08.02.2016

Index: Yes/No
Internet : Yes/No

srn

PUSHPA SATHYANARAYANA.J

srn

To

1. The Additional Subordinate Judge, Pondicherry
2. The II Additional District Munsif, Pondicherry

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