

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.2290 of 2017
and
C.M.P.No.10783 of 2017

Pastor J.Thomas

... Petitioner

Vs.

Chidambaram Municipality
Represented by its Commissioner,
Kutcherry Street,
Chidambaram Town,
Cuddalore District.

... Respondent.

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.82 of 2017 in O.S.No.34 of 2012 on the file of the Court of Additional District Munsif, Chidambaram and allow the said I.A. by allowing the Civil Revision Petition.

For Petitioner : Mr.A.Muthukumar

* * * * *

ORDER

The petitioner has come before this Court against the dismissal of application under Order XXVI Rule 9 read with 151 Civil Procedure Code for rejection of appointment of Advocate Commissioner.

2. After the order passed by the trial Court dated 23.03.2017, the wall as set out in the interlocutory application was demolished. Therefore, the petitioner has filed an application to amend the plaint, which is pending before the trial Court. Simultaneously, the petitioner has filed the above revision against the rejection of the petition filed for appointment of Advocate Commissioner.

3. Since the subject matter in the application, namely the wall has already been demolished, the prayer for appointment of Advocate Commissioner to inspect the physical features of the compound wall, does not survive. The petitioner can approach the trial Court, at the appropriate time, for appointment of Advocate Commissioner, if required. At this stage, the prayer sought for in this

civil revision petition, cannot be granted.

4.The Civil Revision Petition is disposed of with the above said observation. No costs. Consequently, connected civil miscellaneous petition is closed.

12.07.2017

Speaking order/Non-speaking order
Index: Yes/No
Internet: Yes/No

ah/tk

To

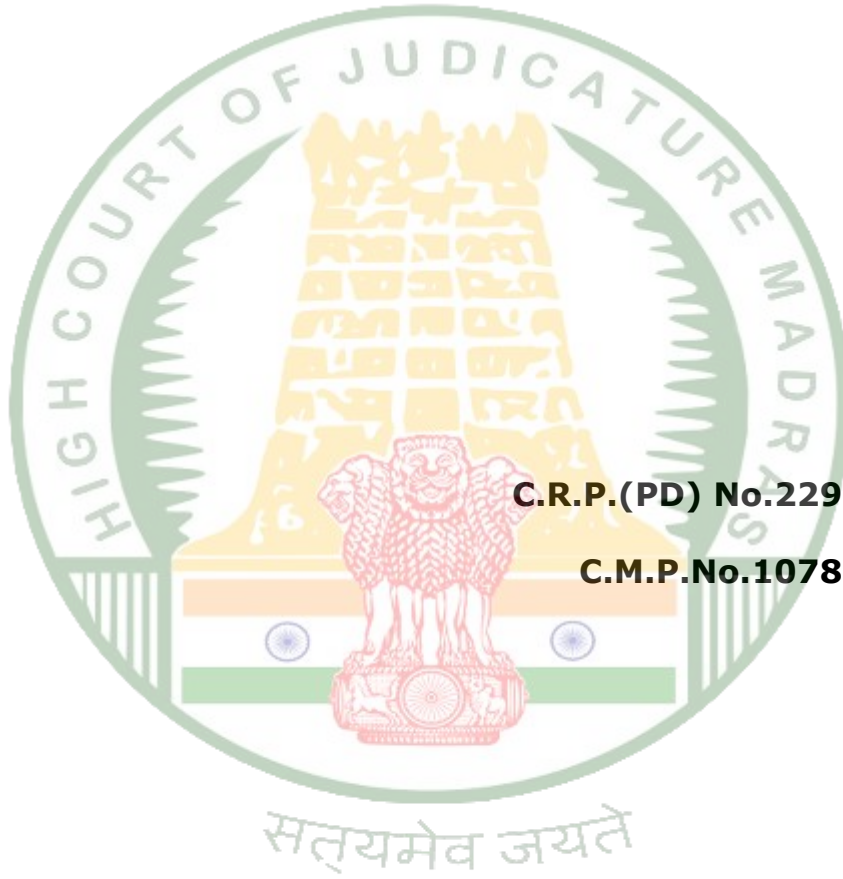
1.The learned Additional District Munsif,
Chidambaram.

2.The Commissioner,
Chidambaram Municipality
Kutcherry Street,
Chidambaram Town,
Cuddalore District.

WEB COPY

M.GOVINDARAJ, J.

ah/tk



**C.R.P.(PD) No.2290 of 2017
and
C.M.P.No.10783 of 2017**

WEB COPY

12.07.2017