

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2017

CORAM:

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

C.R.P.(PD) No.271 of 2009
and MP.No.1 of 2009

1.A.Anwardeen
Proprietor
M/s.Gani Dental Laboratory
No.27, New No.36,
Bharathi Street,
Gandhi Nagar,
Saligramam,
Chennai - 600 093.

2.Ameena Begum

... Petitioners

..Vs..

K.Raju

... Respondent

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order and decretal order dated 22.01.2009 passed by the learned VIII Assistant Judge, City Civil Court, Chennai made in I.A.No.10402 of 2006 in O.S.No.3306 of 2004.

For Petitioners
For Respondent

: M/s.K.Sridhar Associates
: Mr.A.R.Nixon

ORDER

This Civil Revision Petition has been filed challenging the order dated 22.01.2009 passed by the learned VIII Assistant Judge, City Civil Court, Chennai made in I.A.No.10402 of 2006 in O.S.No.3306 of 2004.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent.

3. The respondent is the plaintiff and the petitioners are the defendants in O.S.No.3306 of 2004. The respondent herein has filed the application in I.A.No.10402 of 2006 in O.S.No.3306 of 2004 on the file of VIII Assistant City Civil Court, Chennai, for appointment of an Advocate Commissioner to inspect the suit property. The learned trial Judge has allowed the application, vide order dated 22.01.2009. Aggrieved by the order passed in I.A.No.10402 of 2006 in O.S.No.3306 of 2004, the revision petitioners have filed the present revision petition.

4. The learned counsel appearing for the petitioners submitted that the suit filed by the respondent itself was dismissed for default before the trial Court on 01.08.2015 and thereafter, it was not restored to file.

5. In view of the above submission made by the learned counsel for the petitioner, this civil revision petition is dismissed as having become infructuous. However, liberty is given to the petitioners to file an application before this Court, to restore the aforesaid Civil Revision Petition, if necessary.

09.06.2017

Speaking Order / Non-speaking Order

Index : Yes/No

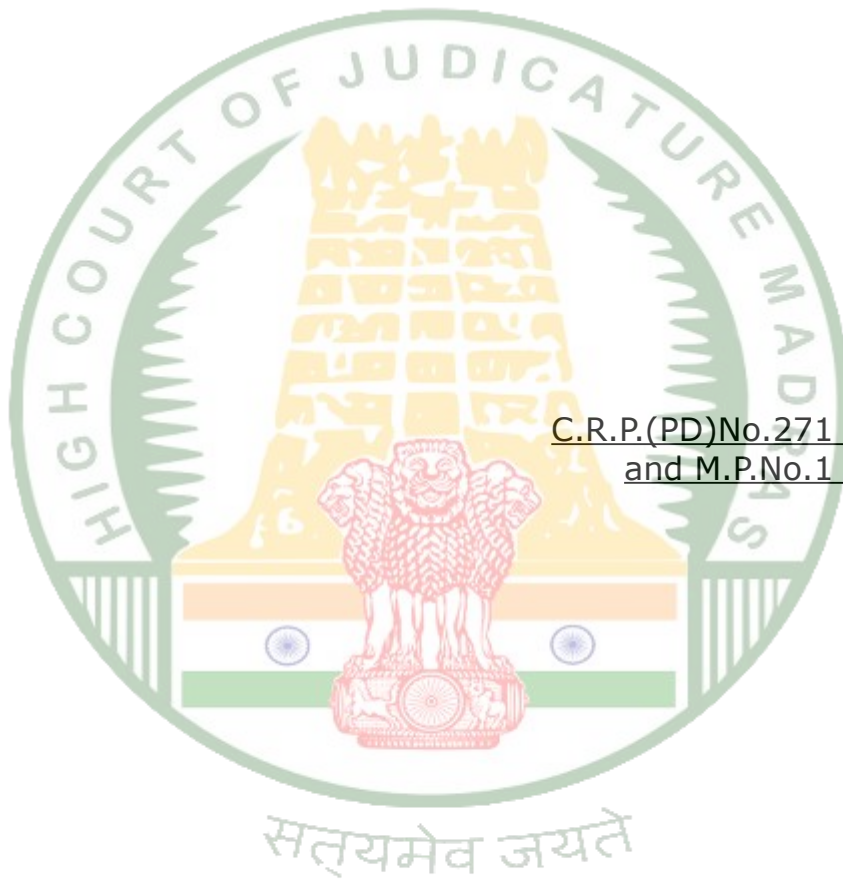
Internet: Yes/No

To

The XIII Assistant City Civil Court,
Chennai.

V.M.VELUMANI,J

ds



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