

C.R.P(PD)No.3775 of 2013 & M.P. No.1 of 2013**M.V.MURALIDHARAN., J.**

Today, the matter is listed under the caption "for being mentioned" at the instance of the learned counsel for the petitioners.

2. This Court, by an order dated 02.03.2017 had already dismissed the Civil Revision Petition as infructuous based on the submission of the learned counsel appearing on either side that the matter was settled before the trial Court.

3. Today, the learned counsel for the petitioners represented that on 02.03.2017, it was wrongly reported before this court that the matter has already been settled before the trial court. But, the suit was decreed in favour of the plaintiff and these petitioners, who are the defendants in the suit, filed an appeal before the Appellate Forum. Therefore, recording the above said submission, this Civil Revision Petition is dismissed as infructuous.

4. Since the petitioners have challenged the rejection of appointment of an Advocate Commissioner in this Civil Revision Petition and the suit was also decreed, now the appeal has been filed by the petitioners/defendants, the petitioners are given liberty to file an application for the appointment of an Advocate Commissioner in the Appeal Suit and the same should be considered by the learned Appellate Judge in accordance with law.

gv/rkp

06.06.2017

M.V.MURALIDHARAN., J.

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