

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD).No.1351 of 2018 and

C.M.P.No.7112 of 2018

Radhakrishnan

Vs.

... Petitioner

1. Arikrishnan
2. Saroja

3. The Union of India,
Rep by Chief Secretary,
Government of Puducherry
Office at Chief Secretariat,
Goubert Avenue (Beach Road)
Puducherry - 605 001.

4. Department of Revenue
Rep by Secretary,
Government of Puducherry
Office at Chief Secretariat,
Goubert Avenue (Beach Road)
Puducherry - 605 001.

5. Taluk Office
Rep by Tahsildhar
Government of Puducherry
Office at Chief Secretariat,
Goubert Avenue (Beach Road)
Puducherry - 605 001.

6. Directorate of Survey & Land Records
Rep by Director and in Office at Saram,
Puducherry - 605 005.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal orders in I.A.No.936/2017 in O.S.No.732/2010 dated 29.01.2018 on the file of learned first Additional District Munsiff at Pondicherry.

For Petitioner : Mr.S.Subramanian

ORDER

The relief sought for in this revision is to set aside the fair and decretal orders made in I.A.No.936/2017 in O.S.No.732/2010 dated 29.01.2018 on the file of learned I Additional District Munsif, Puduchery.

2. The petitioner filed this petition to set aside the report of the advocate Commissioner in I.A.No.936 of 2017 in O.S.No.732 of 2010. The reason stated by the petitioner is that the Advocate commissioner has not executed the warrant issued to him in consonance with the order passed by the Trial Court. Further the report of the Advocate Commissioner has not answered to the memo of instructions given by the petitioner and also the directions given by the Trial Court. Hence, he has filed the objections that the report of the Advocate commissioner is to be set aside.

3. Heard, the learned counsel for the petitioner and perused the warrant, Advocate Commissioner report and the materials available on record.

4. The warrant issued by the Trial Court is not in a proper manner and therefore the warrant of Commissioner issued by the Trial court is dismissed and the report filed by the Advocate Commissioner is also set aside.

5. The trial Court is directed to proceed with the case in accordance with law, as if no Advocate Commissioner was appointed and no report was filed. Further, the petitioner is not entitled to file any fresh application for appointing an advocate Commissioner. In case the petitioner herein file any application to appoint an advocate Commissioner, the same shall not be entertained by the trial Court and proceed with the trial further in accordance with law.

6. Therefore, with the above direction, this Civil Revision petition is disposed of. Consequently, the connected Miscellaneous petition is also closed. No costs.

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12.04.2018

Index:Yes/No

Speaking order / Non speaking order
vum

P.VELMURUGAN, J.,

vum

To

1. The I Additional District Munsiff,
Puducherry
2. The Union of India,
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