

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P.(PD).No.3597 of 2013

and

M.P.No.1 of 2013

Madhan

.. Petitioner

..Vs..

- 1.Raji
- 2.Kuttachi
- 3.Ranganathan
- 4.Gopal
- 5.Ramamurthy
- 6.P.Anbalagan (died)
- 7.Govindaraji
- 8.Pormannan
- 9.Karuppan
- 10.The Taluk Tahsildar,
Taluk Office,
Pochampally Post and Taluk.
- 11.The Inspector of Police,
Pochampally Police Station,
Pochampally Taluk.
- 12.The District Collector,
Collectorate,
Krishnagiri Taluk and District.
- 13.Vani
- 14.Minor.Keerthana
- 15.Minor Mothilal

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No.591 of 2010 in O.S.No.142 of 2007 on the file of Principal Subordinate Judge, Krishnagiri dated 28.01.2011.

For Petitioner : Mr.J.Sudhakaran

For Respondents 1 to 5 : Mrs.S.Selvi George

Respondent 6 died

Service awaited for Respondents 7 & 15

ORDER

The instant revision has been filed challenging the appointment of Advocate Commissioner by the Trial Court in I.A.No.591 of 2010 in O.S.No.142 of 2007 by its order dated 28.01.2011.

2. Today the learned counsel for the respondents 1 to 5 submits that the suit O.S.No.142 of 2007 on the file of the learned Principal Subordinate Judge, Krishnagiri, in which, an Advocate Commissioner was appointed in I.A.No.591 of 2010 by order dated 28.01.2011 and the renumbered suit O.S.No.201 of 2014 was dismissed for default on 06.11.2015 and a xerox copy of the said order was also produced.

3. According to the learned counsel for the respondents 1 to 5, the respondents have taken steps to file a condone delay application for not filing an application to restore the suit on time. The learned counsel further submitted that since the suit itself has been dismissed for default, the order appointing the Advocate Commissioner by the Trial Court in I.A.No.591 of 2010 has now become inexecutable. The learned counsel would also submit that the respondents be given liberty to file an application for appointment of Advocate Commissioner before the Trial Court as and when the suit which was dismissed for default is restored to the file of the Trial Court. For this submission, the learned counsel for the petitioner has not raised serious objection.

4. Acceding to her request, the order dated 28.01.2011 passed by the Trial Court in I.A.No.591 of 2010 in O.S.No.142 of 2007 is set aside by this Court. However, the respondents are given liberty to file a similar application for appointment of Advocate Commissioner before the Trial Court, as and when the suit renumbered O.S.No.201 of 2014 which was dismissed for default is restored.

ABDUL QUDDHOSE, J.

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5. With the above observations, the instant Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

19.11.2018

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Index:Yes/No

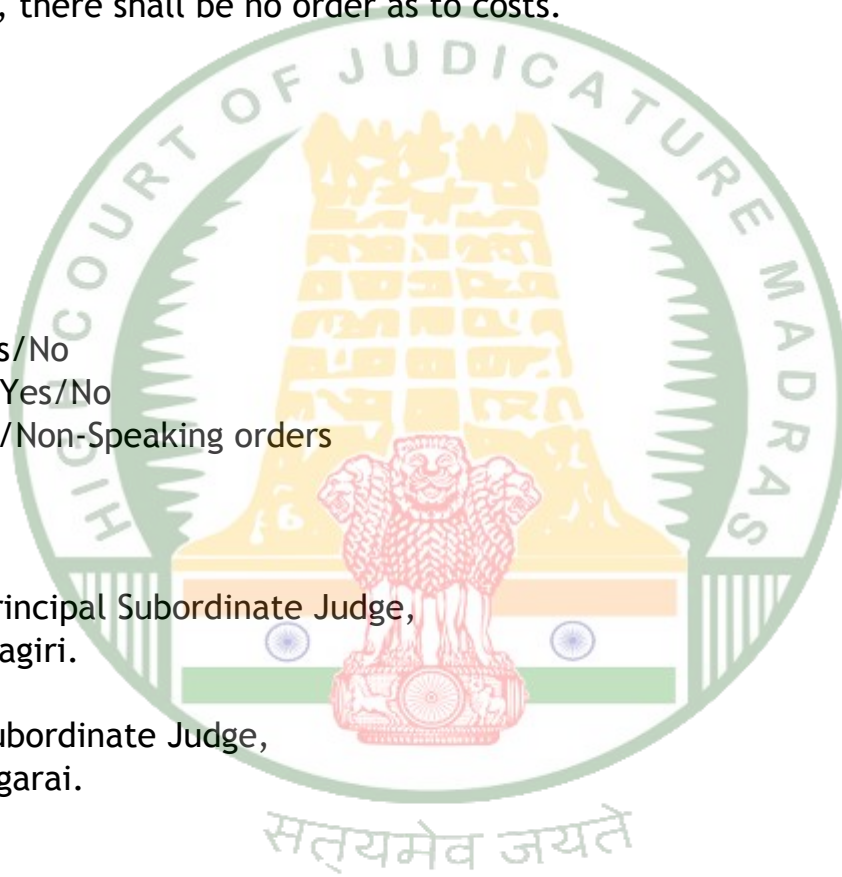
Internet:Yes/No

Speaking/Non-Speaking orders

To

1. The Principal Subordinate Judge,
Krishnagiri.

2. The Subordinate Judge,
Uthangarai.



C.R.P.(PD).No.3597 of 2013

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