



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.483 of 2018
and
C.M.P. (MD) No.2132 of 2018

P.K.Radhakrishnan

... Petitioner

Vs.

Rajesh

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India to allow the Civil Revision Petition by setting aside the Order passed in I.A.No.793 of 2016 in O.S.No.245 of 2016 dated 06.11.2017 on the file of the Principal District Munsif Court, Nagercoil.

For Petitioner : Mr.R.Manimaran
For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed to allow the Civil Revision Petition by setting aside the Order passed in I.A.No.793 of 2016 in O.S.No.245 of 2016 dated 06.11.2017 on the file of the Principal District Munsif Court, Nagercoil.

2. Heard the learned counsel for the petitioner. Though notice was served and the name was printed in the cause list, there was no representation on behalf of the respondent.

3. Earlier this petitioner who is the plaintiff has approached this Court by filing a C.R.P.(MD) No.813 of 2017, challenging the order in I.A.No.793 of 2016 filed by the petitioner for appointment of Advocate Commissioner. Considering the facts and circumstances, this Court allowed the Civil Revision Petition by setting aside the order passed in I.A.No.793 of 2016 dated 23.12.2016, directing the Trial Court, namely the Principal District Munsif Court, Nagercoil to consider the petitioner's case afresh and pass orders on merits.

4. Pursuant to the order passed by this Court, in the C.R.P.(MD) No.813 of 2017 dated 20.04.2017, the learned Principal District Munsif, Nagercoil again dismissed the same application on 06.11.2017, pointing the very same ground passed already in the order dated 23.12.2016.



5. I already considered that appointing an Advocate Commissioner is always helpful to this Court to consider the case in early. Therefore, I am inclined to allow this Civil Revision Petition by directing the learned Judge to appoint an Advocate Commissioner and get report in this regard.

6. In the result,

(a) This Civil Revision Petition is allowed by setting aside the order in I.A.No.793 of 2016 in O.S.No.245 of 2016 passed by the Principal District Munsif, Nagercoil on 23.12.2016.

(b) The learned Principal District Munsif, Nagercoil is directed to appoint an Advocate Commissioner within a period of one week from the date of receipt of a copy of this Order and directing the Advocate Commissioner to inspect and file his report within a period of one month from the date of appointment of the Advocate Commissioner.

(c) on receiving the report, the learned Principal District Munsif is directed to dispose the suit within four months thereafter.

(d) No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To
The Principal District Munsif,
Nagercoil.

+1CC to Mr.R.Manimaran, Advocate, SR.No. 60436

C.R.P. (PD) (MD) No.483 of 2018
09.04.2018

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