



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P (MD) .No.682 of 2018

1.Veluchamy

2.Dhanam

3.Marimuthu

... Petitioners/Petitioners/Defendants

Vs.

Govindaraj

... Respondent/Respondent/Plaintiff

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records and set aside the fair and decretal order dated 24.01.2018 passed in I.A.No.1185 of 2017 in O.S.No.94 of 2010 on the file of the learned Additional District Munsif Court, Srivilliputtur, and consequently allow this Civil Revision Petition.

For Petitioners : Mr.N.Balasubramanian

For Respondent : Mr.M.Thirunavukarasu

ORDER

The petitioners have filed the present Civil Revision Petition invoking Article 227 of the Constitution of India to call for the records and to set aside the fair and decretal order dated 24.01.2018 passed in I.A.No.1185 of 2017 in O.S.No.94 of 2010 by the learned Additional District Munsif Court, Srivilliputtur,

2.The petitioners / defendants filed this Civil Revision Petition, challenging the order in I.A.No.1185 of 2017 in O.S.No.94 of 2010 seeking for re-issuance of warrant to the same Advocate Commissioner for re-structuring the property. The said application is dismissed on the ground that the petitioners already have not raised objections to the Advocate Commissioner's Report and that the Court, considering the same, shall not pass orders for re-issuance of the warrant to the same Advocate Commissioner.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Heard the learned counsel for the petitioners and the



learned counsel for the respondent.

4.A perusal of the order impugned reveals that the revision petitioners have not filed their objections to the report filed by the Advocate Commissioner. The Advocate Commissioner's Report has been taken on record and the plaintiff has filed an application to amend the plaint schedule as per the Advocate Commissioner's Report. Having kept silent, without raising their finger at the time when the Advocate Commissioner filed his Report and on the subsequent developments, the revision petitioners now have no right to file the present application for re-issuance of the warrant to the very same Advocate Commissioner. Therefore, I am inclined to pass following orders:

5.This Court dismisses this Civil Revision Petition by confirming the order passed in the Interlocutory Application. The learned Additional District Munsif is directed to dispose of the Advocate Commissioner application by issuing notice to both parties within a period of one month from the date of receipt of a copy of this order, if it was not already disposed of and dispose of the suit in O.S.No.94 of 2010 within a period of four months, thereafter. Accordingly, this Civil Revision Petition is dismissed.

6.No order as to costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Additional District Munsif, Srivilliputtur.

+ 1 cc TO Mr.M.Thirunavukkarasu , Advocate in SR No. 67525
+ 1 cc TO Mr.N.Balasubramanian , Advocate in SR No. 67905

gns

AE/SV/SAR1/10.07.2018/2P/4C

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