



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2018

CORAM

WEB COPY

**THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN**

C.R.P. (MD) No.9 of 2018

and

C.M.P. (MD) No.46 of 2018

S.Kumar

... Petitioner

**Vs.**

1.Thangappan

2.Murugan

... Respondents

**Prayer :** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.213 of 2017 in O.S.No.141 of 2015 dated 09.10.2017 on the file of the District Munsif Court, Theni.

For Petitioner : Mr.P.M.Vishnuvarthanan  
For Respondents : Mr.K.Appadurai

**O R D E R**

The petitioner, who is the respondent in I.A.No.213 of 2017 filed for appointment of Advocate Commissioner, has filed this civil revision petition, challenging the order of appointment of Advocate Commissioner dated 09.10.2017.

2. This Court has already considered in several cases that Advocate Commissioner can be appointed even in a bare injunction suit and therefore, the petitioner has no right to challenge the appointment of Advocate Commissioner.

3. At this juncture, the learned Counsel for the petitioner invited the attention of this Court to the memorandum of grounds and would submit that the respondents seeking appointment of Advocate Commissioner filed an application and the same was duly served on the petitioner. On coming to know that the suit schedule property in the order as well as in the petition in I.A.No.213 of 2017, which was served on him is different, the petitioner verified and found that in the Court records, the schedule in the petition is completely altered by several manual corrections and therefore, he prays for interference at the hands of this Court.

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

4. I have heard the learned Counsel appearing on either side



and perused the documents placed on record.

5. It is the case of the respondents that as per the order of the learned District Munsif in I.A.No.213 of 2017, Advocate Commissioner was appointed, who, in turn, has inspected and submitted his report long back. The suit is taken up for hearing and the matter is now at the stage of arguments.

6. Since the suit is said to be pending, the petitioner is having every right to make his representation before the learned District Munsif, as to the difference of the suit schedule property. Therefore, I am inclined to pass the following order:

- this civil revision petition is dismissed and the order passed in I.A.No.213 of 2017 in O.S.No.141 of 2015 dated 09.10.2017, stands confirmed;
- the petitioner is at liberty to raise Ground No.4 in this civil revision petition before the learned District Munsif, who, shall consider the same and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order;
- considering the age of the suit, the learned Judge is directed to dispose of the suit within a period of four months thereafter;
- there shall be no order as to costs and consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,  
Theni.

**Copy To :-**

The Section Officer,  
V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai. (2 Copies)

+ 1 CC TO Mr.P.M.VISHNUVARTHANAN, ADVOCATE IN SR No. 66991  
+ 1 CC TO Mr.K.APPADURAI, ADVOCATE IN SR No. 66674

GK

TE/JC/SAR-3 : 08/06/2018 : 2P/6C