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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P.(PD)(MD)No.750 of 2018
and
C.M.P(MD)No.3304 of 2018

Ramamoorthy ... Petitioner/Petitioner/Petitioner/ Plaintiff

Vs.

Gurusamy Pillai ... Respondent/Respondent/Respondent/ Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the judgment and decree, dated 30.09.2014 made in I.A.No.52 of 2015 in I.A.No.323 of 2011 in O.S.No.52 of 2011 on the file of the District Munsif-cum-Judicial Magistrate, Vilathikulam and allow the Civil Revision Petition.

For Petitioner : Mr.V.Sasi Kumar

O R D E R

The first Advocate Commissioner was already appointed by the Court below and a report was also filed by the Advocate Commissioner, but without filing any application to scrap the report of the Advocate Commissioner, the petitioner filed a petition in I.A.No.52 of 2015 for appointment of an Advocate Commissioner for the second time.

2.This Court as well as the Hon'ble Apex Court had categorically held that unless the first Advocate Commissioner's report is scraped, no parties are entitled to file the second application for appointment of an Advocate Commissioner and no Court has appointed the Advocate Commissioner for the second time.

3.Therefore, the Civil Revision Petition is dismissed by giving liberty to the petitioner either to make his objections to the first Advocate Commissioner's report or filing an application to scrap the said Advocate Commissioner's report and thereafter to seek either to re-appoint the same Advocate Commissioner or a new Advocate Commissioner.

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4.The said exercise will be done within a period of two months by the petitioner and the Courts below. If the petitioner is

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not filing any application as mentioned above, within a period of two months, the trial Court is directed to proceed with the suit and dispose of the same, within a period of four months thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

The District Munsif-cum-Judicial Magistrate,
Vilathikulam.

+1cc to Mr.V.SASIKUMAR, Advocate, SR.No.59840

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