



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P.(MD)No.865 of 2018 and
C.M.P.(MD)No.3765 of 2018

1. P.Rajasekaran
2. R.Sulochana

...Revision Petitioners/Plaintiffs

Vs.

A.Alagammal (Died)

1. Valliammal
2. Murugan
3. Manoharan
4. Vijaya
5. Susila
6. Sundar

...Respondents/ Defendants

Prayer: Civil Revision petition is filed under Article 227 of the Constitution of India, to set aside the executable and fair order, dated 30.01.2018 in I.A.No.886 of 2017 in I.A.No.629 of 2009 in O.S.No.440 of 2002 on the file of the learned District Munsif, Madurai Taluk, Madurai.

For Petitioners : Mr.V.Ramakrishnan
For Respondents : Mr.T.Balakrishnan

O R D E R

This Civil Revision petition is filed against the executable and fair order, dated 30.01.2018 in I.A.No.886 of 2017 in I.A.No.629 of 2009 in O.S.No.440 of 2002 on the file of the learned District Munsif, Madurai Taluk, Madurai.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents.

3. According to the petitioners, they filed a suit in O.S.No.440 of 2002 before the Court of District Munsif, Madurai Taluk, for recovery of possession. Subsequently, the petitioners filed an application in I.A.No.412 of 2009 for appointment of Advocate Commissioner and the same was dismissed with cost of Rs.500/-. Thereafter, the petitioners filed an application in I.A.No.629 of 2009 for appointment of Advocate Commissioner and the same was closed on 29.06.2016. Against which, the petitioners filed



an application in I.A.No.886 of 2017 to recall the order passed in I.A.No.629 of 2009, dated 29.06.2016. The said application was dismissed by the trial Court. Aggrieved by the same, the petitioners preferred this Civil Revision petition.

4. Learned counsel for the petitioners submitted that the trial Court ought to have seen that the Advocate Commissioner who was appointed by the trial Court has to file his report after receiving the warrant. He further submitted that the Advocate Commissioner who was earlier appointed, left his practice.

5. Considering the above facts, I do not find any merits in this Revision.

6. In the result, the Civil Revision petition is dismissed. However, the petitioners are at liberty to challenge the order passed by the learned District Munsif, Madurai Taluk, Madurai, in I.A.No.886 of 2017 in I.A.No.629 of 2009 in O.S.No.440 of 2002, dated 30.01.2018, before the appropriate forum. The trial Court, namely, the learned District Munsif, Madurai Taluk, Madurai, is directed to dispose of the suit in O.S.No.440 of 2002 within a period of two months from the date of receipt of a copy of this order, on day to day basis without giving any further adjournment to either parties. Both the parties are directed to give their fullest co-operation for the early disposal of the above suit. Learned District Munsif, Madurai Taluk, Madurai, is also directed to report within ten days from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To
The District Munsif, Madurai Taluk, Madurai.

Copy to:

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

+1CC to Mr.T.Balakrishnan, Advocate, SR.No. 62265
+1CC to Mr.V.Ramakrishnan, Advocate, SR.No. 62374

C.R.P.(MD)No.865 of 2018 and
C.M.P.(MD)No.3765 of 2018