



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2018

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THE HONOURABLE MRS. JUSTICE R. THARANI

C.R.P. (MD) No. 810 of 2015

Jeyaraj

.. Petitioner/Petitioner/
Petitioner/Plaintiff

Vs.

1. Durairaj Naicker

2. Sankarappa Naicker

3. Saroja

4. Sundarraaj Naicker

5. Dharmaraj

6. Dasaradhan

7. Venkatesh

8. Mareeswari

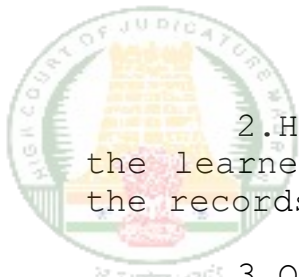
.. Respondents/Respondents/
Respondents/Defendants

Prayer : This revision petition is filed under Article 227 of the Constitution of India, to set aside the order passed by the learned District Munsif Court, Sattur in I.A.No.423 of 2010 in I.A.No.247 of 2006 in O.S.No.156 of 2004, dated 17.09.2014 and this Court may graciously be extended the time to pay the cost within a stipulated time.

For Petitioner	: Mr.M.Solaisamy
For R-3, R4 and R-6	: Mr.G.Marimuthu
R-1 and R-2	: Dismissed
For R-5, R-7 and R-8	: No appearance

O R D E R

This Civil Revision Petition has been filed against the order passed by the District Munsif Court, Sattur in I.A.No.423 of 2010 in I.A.No.247 of 2006 in O.S.No.156 of 2004, dated 17.09.2014 and this Court may graciously extend the time to pay the cost within a stipulated time.



2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and also perused the records carefully.

3. On the side of the petitioner, it is stated that the petitioner could not get the address of the Legal Representatives of the first respondent. It is further stated that the second respondent died and he is not having any Legal Representative.

4. The grievance of the petitioner is that earlier, the petitioner filed I.A.No.247 of 2006 before the trial Court, seeking appointment of an Advocate Commissioner, to execute the order dated 04.08.2005 made in O.S.No.156 of 2004. The trial Court appointed an Advocate Commissioner on 01.03.2007, directing the petitioner to pay a sum of Rs.1,500/- towards remuneration. On 05.04.2007, the petitioner remitted the remuneration before the trial Court. However, the Advocate Commissioner failed to discharge his duty and failed to file a report before the trial Court. The learned trial Judge, therefore, dismissed I.A.No.247 of 2006, on 05.01.2009. The petitioner immediately filed a restoration petition along with a condone delay petition in I.A.No.423 of 2010, seeking to condone the delay of 660 days in filing the restoration petition. The trial Judge, by order dated 05.09.2014, directed the petitioner to pay a sum of Rs.500/- on or before 16.09.2014. Though the petitioner took all effective steps to pay the said amount, he could not pay the amount in time. The learned trial Judge, therefore, dismissed the said petition.

5. I have considered the above submissions.

6. It is seen that the Advocate Commissioner appointed by the trial Judge has not filed any report. The Civil Revision Petition is pending from the year 2015. In the above circumstances, this Court directs the petitioner to file a fresh Final Decree petition before the Trial Court and the petitioner is at liberty to get back the refund of the Commissioner's fees in the final decree petition.

7. With the above observations, this Civil Revision Petition is disposed of. No costs.

Sd/
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar (CS-III)

To

1. The District Munsif Judge,
Sattur.



2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1cc to Mr.M.SOLAISAMY, Advocate, SR.No.78709

+1cc to M/S.G.M.LAW OFFICE, Advocate, SR.No.78358

C.R.P. (MD) No.810 of 2015
13.08.2018

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