



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (MD) .No.1078 of 2018
and
C.M.P. (MD) No.4696 of 2018

B.Athikannan

...Petitioner

Vs.

P.A.S.B.Singaravel

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 05.04.2018 passed in I.A.No.103 of 2018 in R.C.O.P.No.191 of 2016 on the file of the Learned Principal District Munsif Court, Madurai.

For Petitioner : Mr.R.Senthilkumar

ORDER

This Civil Revision Petition has been filed as against the order, dated 05.04.2018 passed in I.A.No.103 of 2018 in R.C.O.P.No.191 of 2016 by the learned Principal District Munsif, Madurai.

2.Heard the learned counsel for the petitioner.

3.According to the petitioner, he has filed an application in I.A.No.103 of 2018 in R.C.O.P.No.191 of 2016 on the file of the Learned Principal District Munsif Court, Madurai, seeking for appointment of fresh Advocate Commissioner. On consideration of the petition, the learned Judge by an order dated 05.04.2018 dismissed the application, on the ground that already an Advocate Commissioner was appointed and his report, as on date, is pending and therefore, the petitioner has no right to seek for another Advocate Commissioner.

4.It is an admitted fact that once the Court has appointed an Advocate Commissioner and his report is pending on file, no parties are entitled for seeking appointment of fresh Advocate Commissioner. This was considered in various cases by this Court and the Hon'ble Apex Court. Therefore, the order passed in I.A.No.103 of 2018 in R.C.O.P.No.191 of 2016 by learned Principal District Munsif Court, Madurai is correct and there is no necessity to interfere with the said order by this Court.



5. In the result, this Civil Revision Petition is dismissed confirming the order passed in I.A.No.103 of 2018 in R.C.O.P.No.191 of 2016 by the learned Principal District Munsif Court, Madurai. The petitioner is at liberty to file necessary application for scrapping the earlier Advocate Commissioner's report, within a period of two weeks and on filing the said application the Learned Principal District Munsif, Madurai is directed to pass appropriate orders by giving notice to both the parties, within a period of four weeks thereafter and on passing such orders, the petitioner is given liberty to file an application for appointment of fresh Advocate Commissioner. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Munsif Court,
Madurai.

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

+1 CC TO Mr. R.Senthilkumar, ADVOCATE IN SR No.66482.

LS/RJ-2

DS/SKN-RSK/SAR-1 :04.06.2018: 2P/5C

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