



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.2352 of 2017
and
C.M.P. (MD) No.11323 of 2017

Sarojini Bai

... Petitioner

Vs.

Subaraj

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India to set aside the Fair order and Decreetal order dated 30.10.2017 passed in I.A.No.462 of 2017 in O.S.No.210 of 2012 on the file of the Subordinate Judge, Padmanabhapuram, Kanyakumari District and thereby allow the Civil Revision Petition.

For Petitioner : Mr.M.R.Sreenivasan
For Respondent : Mr.G.Cenil

ORDER

This Civil Revision Petition has been filed to set aside the Fair order and Decreetal order dated 30.10.2017 passed in I.A.No.462 of 2017 in O.S.No.210 of 2012 on the file of the Subordinate Judge, Padmanabhapuram, Kanyakumari District.

2. Heard the learned counsel on either side.

3. The application in I.A.No.462 of 2017 has been filed by the petitioner / plaintiff in the Suit in O.S.No.210 of 2012 was dismissed by the learned Sub Judge, Padmanabhapuram on 30.10.2017, though, the respondent who is the defendant, only objecting for the appointment of Advocate Commissioner. Since I have already passed orders that the appointment of Advocate Commissioner is helpful to expedite the speedy disposal of the Suit. Apart from this, the respondent / defendant also filed a cross appeal in the same suit for the prayer for demarcating of boundaries. Therefore, now the respondent/ defendant have no right to objecting for the appointment of Advocate Commissioner, when he sought for to demarcating the suit properties in his cross appeal. Therefore this Court is inclined to appoint an Advocate Commissioner as sought for in the I.A.No.462 of 2017.



4. For the above said reasons,

a) this Civil Revision Petition is allowed by setting aside the order in I.A.No.462 of 2017 in O.S.No.210 of 2012 dated 30.10.2017 passed by the learned Subordinate Judge, Padmanabhapuram.

b) the learned Subordinate Judge, Padmanabhapuram is directed to appoint an Advocate Commissioner within a period of one week from the date of receipt of a copy of this order and direct the Advocate Commissioner to inspect and file a report within a period of one month thereafter and on filing the report, the learned Subordinate Judge, Padmanabhapuram is directed to dispose of the suit within a period of four months thereafter.

(c) No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Padmanabhapuram,
Kanyakumari District.

+ 1 CC TO Mr.R.NANDAKUMAR, ADVOCATE IN SR No. 60408

PNN

TE/KKR/SAR-3 : 25/04/2018 : 2P/3C

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