



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1186 of 2016

and

C.M.P. (MD) .No.5804 of 2016

Kunju Moopanar (died)
Soundarajan

.. Revision Petitioner /
Defendant /Respondent

vs.

Kasinathan

.. Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and executable order dated 24.03.2016 in I.A.No.27 of 2016 in O.S.No.122 of 2017 on the file of the District Munsif, Thiruvaiyaru.

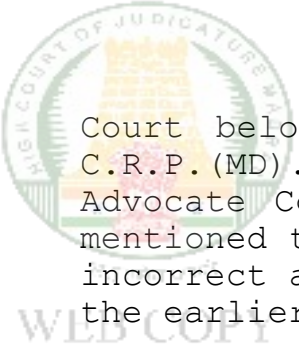
For Petitioner : Mr.A.Sivasubramanian
For Respondent :Mr.Anand Chandrasekar
for M/s.Sarvabhauman Associates

ORDER

The defendant in O.S.No.122 of 2017 on the file of the learned District Munsif, Thiruvaiyaru is the revision petitioner herein. Originally the defendant had taken out an application for appointing an Advocate Commissioner. The same was allowed and the Advocate Commissioner filed the report. After the said report was marked as an exhibit, I.A.No.345 of 2010 was filed by the plaintiff for scrapping the said report. The said IA was dismissed. Questioning the same, the plaintiff filed C.R.P.(MD).No.1777 of 2010. By order, dated 23.04.2015, this Court held that the question of scrapping the entire report does not arise and that the only course available is to remit the matter to the very same Advocate Commissioner for the purpose of another inspection. Accordingly, the following direction was given.

" 9. In the result, the order dated 10 August 2010 is set aside. The trial Judge is directed to remit the report to the advocate Commissioner to inspect the property afresh. It is open to the petitioner and the respondent to submit work memos to the advocate commissioner for the purpose of inspection."

2. After the disposal of the said Civil Revision Petition in the above terms, the I.A.No.27 of 2016 was taken out. But then, the prayer in the said IA was wrongly worded. Be that as it may, the



Court below bearing in mind, the order dated 23.04.2015 made in C.R.P.(MD).No.1777 of 2010 re-issued the warrant to the very same Advocate Commissioner. But then in the fair order, it was wrongly mentioned that the earlier report has been scrapped. This is clearly incorrect and would run counter to the order passed by this Court in the earlier Civil Revision Petition.

3. In the result, this Civil Revision Petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The District Munsif, Thiruvaiyaru.

2. The Section Officer, (2 COPIES)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.Sarvbhauman Associates, SR No.82132

C.R.P. (MD) No.1186 of 2016

NM/RP/SAR IV/12.10.18/2P/5C