



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.10.2018
CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

WEB COPY

C.R.P. (PD) (MD) Nos.1783 & 1784 of 2018
and C.M.P. (MD) .No.7789 of 2018

1.Sundaram

2.Nedunchezhiyan

3.Seenivasagan

4.Lenin

.. Petitioners/Petitioners/Plaintiffs

(Both Cases)

/Vs./

1.Ammavasai

2.Muniyandi

.. Respondents/Respondents/Defendants

(Both Cases)

PRAYER: These Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 10.04.2018 passed in I.A.Nos.277 & 278 of 2017 in O.S.No.56 of 2014 on the file of the District Munsif Court, Bodinayakanur, Theni District and allow the present Civil Revision Petitions.

For Petitioners : Mr.R.J.Karthick

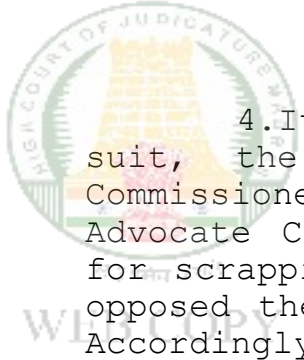
For Respondents : No Appearance

(in both petitions)

ORDER

The plaintiffs in O.S.No.56 of 2014 on the file of the District Munsif, Bodinayakanur are the revision petitions herein. It is a suit for injunction. Pending suit an interlocutory application was taken out for appointment of Advocate Commissioner. Though the application was allowed and report was filed, it is seen that the report filed by the Advocate Commissioner was not useful for deciding the matter in dispute. Therefore, the plaintiff applied for scrapping the said report and for appointing a new Advocate Commissioner. Both interlocutory applications were dismissed. Hence these petitions have been filed.

2.Though the respondent have been served and their names are printed in the cause list, they have not been chosen to enter appearance either in person nor through counsel.



4.It is seen that even though this is only an injunction suit, the Court below that it fit to appoint an Advocate Commissioner originally. Therefore, the issue of appointment of Advocate Commissioner cannot be revisited. As regards application for scrapping of report, it seen that even the other side has not opposed the said prayer. Hence, the order impugned is set aside. Accordingly, the Civil Revision Petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The District Munsif,
Bodinayakanur.

+1CC to Mr.R.J.Karthick, Advocate, SR.No.88121

C.R.P. (PD) (MD) Nos.1783 & 1784 of 2018
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ES/SKN/RSK/SAR 3/13.11.2018/2P/3C