

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.6622 and 6623 of 2018

ORDER:

Aggrieved by the dismissal of two applications one for reopening the evidence and another for appointment of an Advocate Commissioner to identify the suit schedule property, the plaintiff in a suit for declaration has come up with the above revisions.

2. Heard Mr. K. Jyothiprasad, learned counsel for the petitioner.

3. The suit is of the year 2003. The trial was concluded long time ago and the arguments of the plaintiff were heard on 10-07-2018. When the suit was posted for continuation of arguments, the plaintiff took out two applications, one for reopening the evidence and another for appointment of a Commissioner. Both applications were dismissed by the trial Court, on the short ground that the application filed way back in the year 2003 for the appointment of an Advocate Commissioner, was already ordered, but no steps were taken to have an inspection conducted by the Commissioner. It is against these orders that the petitioner is before us.

4. As pointed out earlier, the suit is now 15 years old. The present application for appointment of Commissioner, is only a second application. The first application filed in the year 2003, did not reach its logical end, since no steps were taken to have an inspection conducted by the Commissioner despite the court allowing the application. Therefore, the trial Court was right in dismissing the applications as part of dilatory tactics.

Therefore, both these Civil Revision Petitions are dismissed.

There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 09-11-2018

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