

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) No.1385 of 2009

And

M.P.No.1 of 2009

Ramadoss

... Petitioner

Vs.

- 1.Royal Naidu (Died)
- 2.Thirumalai Naidu
- 3.R.Rajasekar Naidu
- 4.Jinsa
- 5.Lakshmibai
- 6.R.Padmanabha Naidu

(R3 to R6 brought on record as
LR's of the deceased R1 vide Court
order dated 26.02.2019 made in
M.P.2/2010 in CRP NPD 1385 of
2009 (NSKJ))

... Respondents

Prayer:

Petition filed under Article 227 of the Constitution of India
praying to set aside the suo motu order dated 25.04.2006 passed in
Un.No.I.A. /2006 in A.S.39 of 2005 before the Additional Sub Court,
Pondicherry.

For Petitioner : Ms.R.Meenal
For Respondents : No Appearance

ORDER

This revision has been filed against the order of the Appellate Court appointing the Commissioner *suo motu* to note down the physical feature of the property at the stage when the respondents 1 and 2 herein had filed an application for permitting them to pay the entire Commissioner fees of Rs.1,000/-. The above application was returned by the First Appellate Court on the ground that *suo motu* Commissioner is appointed and both the parties were directed to pay Commissioner fees equally, as against which, the present civil revision petition is filed.

2.It is stated that during the pendency of this revision, the first respondent herein died and petition to bring on the legal heirs of the first respondent has been filed. Today, the said petition was also ordered. This Court is of the view that notice is not necessary for the newly impleaded respondents since the very maintainability of the civil revision petition itself can be decided and revision can be disposed of.

3.The First Appellate Court appointed Commissioner for enabling the Court to decide the issue between the parties. The Court can appoint Commissioner *suo motu* for enabling itself to pronounce the

judgment. Therefore, I am of the view that such order cannot be challenged. If at all the revision petitioner is aggrieved by the report, he can file objection before the Appellate Court.

4. With the above observation, the civil revision petition is dismissed. The revision petitioner is directed to take steps to implead the legal heirs of the deceased first respondent in the appeal, if not already filed. The Appellate Court is directed to dispose of the appeal in A.S.No.39 of 2005 within two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is also closed.

26.02.2019

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/No

सत्यमेव जयते

To

1. The Additional Sub Court,
Pondicherry.

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N.SATHISH KUMAR,J.
pri



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