

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2019

CORAM

The Hon'ble Mr.Justice Krishnan Ramasamy

C.R.P.(PD)No.1773 of 2019

and

C.M.P.No.11512 of 2019

R. Vivekanandan ... Revision Petitioner /
3rd Respondent/3rd Defendant

1. R.S.Jeevanandan Vs.
... 1st Respondent/
Petitioner /
Plaintiff

2. Ramalingam
3. Dr.K.Subash ... Respondents 2 & 3 /
Respondents 1 & 2 /
Defendants 2 and 3

4. S.Pathanjali
5. R. Kannan
6. N.Kannan ... Respondents 4 to 6 /
Respondents 4 to 6 /
Defendants 4 to 6.

Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order, dated 30.04.2019, passed in I.A.No.122 of 2019, in O.S.No.187 of 2019, on the file of the III Assistant District Judge, Dharapuram.

For Petitioner : Mr.A.K.Kumarasamy
Senior Counsel for S.Kala

For Respondents : Mr.S.Silambannan
Senior Counsel for
N.Umapathi

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O R D E R

The present Civil Revision Petition has been filed challenging the docket order, dated 30.04.2019, passed by the III Assistant District Judge, Dharapuram, in I.A.No.122 of 2019, in O.S.No.187 of 2019.

2. Mr.A.K.Kumarasamy, the learned Senior Counsel appearing for the petitioner would submit that the Advocate Commissioner has been appointed by the Court below for conducting election. He also submitted that the tenure of the present Office Bearers will be completed by 31.07.2019 and only after the expiry of the said period, fresh election should be conducted. Further, the learned Senior Counsel would submit that under the pretext of conducting election, the Advocate Commissioner has taken all the records without allowing the present Office Bearers to perform their day to-day function that will lead to malpractice and those suspicion were not properly appreciated by the Court below. Hence, the learned Senior Counsel seeks for setting aside the impugned docket order.

3. On the other hand, Mr.S.Silambannan, learned Senior Counsel appearing for the respondents would submit that only for the purpose of conducting the election in a fair and transparent manner, the first respondent has filed the Interlocutory Application, for appointment of an Advocate Commissioner and the Court below has rightly considered the same and ordered for appointment of Advocate Commissioner and no prejudice is going to be caused to the petitioner, in fact, by doing so, not only the respondents but also the petitioner is going to be benefited. The learned Senior Counsel further submitted that the Advocate Commissioner has only collected the records pertaining to the Registrar Members of the Sangam and nothing else and the Advocate Commissioner would not interfere with the day to-day affairs of the Sangam. Further, since the tenure of the present Office Bearers is going to expire on 31.07.2019 and therefore, it would be appropriate to conduct election before the expiry of the said period. Considering all these aspects, the Court below rightly ordered for appointment of Advocate Commissioner, and there is no need to interfere with the order passed by the Court below.

4. Heard the counsel on both sides.

5. As rightly pointed out by the learned Senior Counsel for the respondents, only with a purpose to conduct the election in a just and fair manner, the first respondent has filed an application seeking for appointment of an Advocate Commissioner and the Court below considering the importance involved, has ordered for the same. However, the Advocate Commissioner would not interfere with the day-to-day affairs of the Sangam and he would see through it the election is conducted in a fair and transparent manner and what the Advocate Commissioner collected or to be collected from the Sangam is only the records pertaining to the Registrar Members of the Sangam, which are available in the Office of the Sangam. Further, there is no doubt that the newly elected Office Bearers will assume the

Office immediately on the expiry of the tenure of the present Office Bearers. Therefore, I do not find any infirmity in the order passed by the Court below, thereby, appointing the Advocate Commissioner.

6. With the above observation, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Vacation Officer

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Sub Assistant Registrar

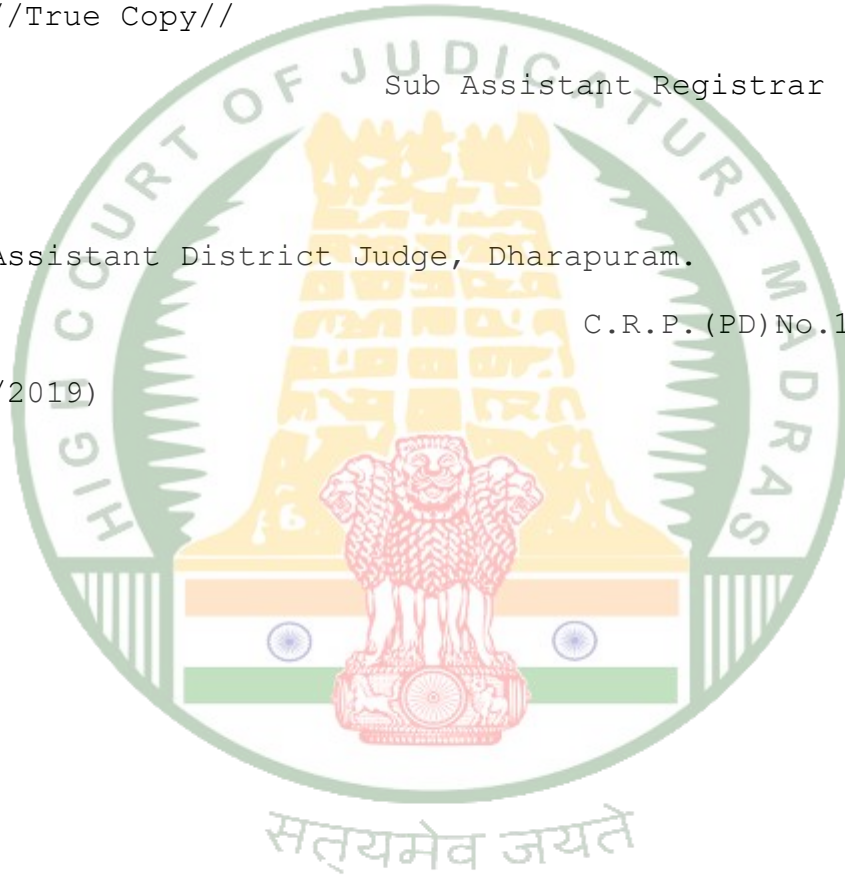
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To

The III Assistant District Judge, Dharapuram.

C.R.P. (PD) No. 1773 of 2019

RJI (CO)
SSM(23/05/2019)



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