

A.Nos.8213 and 8214 of 2019
in
C.S.No.190 of 2013

M.SUNDAR, J.

This common order will dispose of both these applications.

2. There is a sole plaintiff and there are three defendants in the main suit. Sole plaintiff in the main suit has taken out both these applications arraying Defendants 1 to 3 as Respondents 1 to 3 respectively. In this order, parties to these applications shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3.Mr.Arvind Srevatsa, learned counsel representing the counsel on record for plaintiff and Mr.E.Suganthan, learned counsel representing M/s. Nathan and Associates (Law Firm) for the defendants are before this Court.

4.Both these applications have been taken out *inter alia* under Order XVI Rules 1 and 2 and Order XXVI Rule 10 of 'The Code of Civil Procedure, 1908' ('CPC' for brevity) with prayers to issue Subpoena to Advocate Commissioners with regard to their joint report dated 02.09.2013 and to the jurisdictional Sub-Inspector of Survey, Sholinganallur Taluk

Office, Kancheepuram regarding survey records pertaining to certain Survey Numbers. Both these applications have been filed with prayers to appear, produce documents and depose.

5.What is of significance is, learned counsel for defendants submits that he has no objection or opposition to these applications. This makes the task of disposal of instant applications simple.

6. Before I do that, it is necessary to advert to proceedings dated 09.12.2019, which reads as follows:

'Pursuant to earlier proceedings dated 19.11.2019, name of the Advocate Commissioners have been printed in the cause list and Ms.K.Anees Fathima is before this Court. This Court is informed that Ms.M.K.Hasina has taken maternity off.

List on 12.12.2019.'

7. In the light of the aforesaid proceedings, learned counsel for plaintiff fairly submitted that he would restrict the prayer in A.No.8213 of 2019 to one of the two Advocate Commissioners, namely Ms.K.Anees Fathima and not press this application against the other Advocate Commissioner Ms.M.K.Hasina for the present. In other words, with regard to the other Advocate Commissioner, the rights of the plaintiff are preserved to take out a similar application with a same prayer, if the need arises in future.

8. This Court is informed that trial of the suit is already underway by recording the evidence before IV Additional Master of this Court.

9. Issue notice to Ms.K.Anees Fathima in A.No.8213 of 2019 and to Sub-Inspector of Survey, Sholingallur Taluk Office, Kancheepuram in A.No.8214 of 2019 to appear with relevant records mentioned in the prayer before learned Additional Master IV on 21.01.2020 (Tuesday) and depose. Though obvious, it is made clear that the noticees shall thereafter appear before the Court concerned i.e., Additional Master IV on subsequent dates, if the production of documents and deposition is not completed on 21.01.2020.

10. Registry to issue Subpoena to Ms.K.Anees Fathima in A.No.8213 of 2019 and to the Sub-Inspector of Survey, Sholingallur Taluk Office, Kancheepuram in A.No.8214 of 2019

Both applications ordered on above terms.

12.12.2019

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