

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

C.R.P. (NPD) No. 2956 of 2018
and
C.M.P. Nos. 17293 & 19729 of 2018
against
I.A. No. 314 of 2011
in
O.S. No. 253 of 2007
(on the file of V Additional District and Sessions Judge, Coimbatore)

Mrs.E.Maheswari

... Petitioner

Vs.

1.Mr.V.S.Velusamy Gounder
2.Mrs.M.Shanthi Rani
3.Mrs.M.Sivakami
4.Mr.Rajesh Lakshmi Chand
[R4-impleaded as Respondent vide
Court Order Dt. 23.10.2018 made
in C.M.P. No.18262/2018 in C.M.A.
No.2956/2018 (MSRJ)]

... Respondents

Prayer : Petition filed under Article 227 of the Constitution of India,
praying to set aside the docket order dated 17.09.2018 made in I.A. No. 314
of 2011 in O.S. No. 253 of 2007 on the file of the V Additional District and
Sessions Judge, Coimbatore and allow the above C.R.P.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.C.Jagadish [For R4]
No appearance [For R1 to R3]

ORDER

The prayer sought for in the present petition is to set aside the docket order dated 17.09.2018 made in I.A. No. 314 of 2011 in O.S. No. 253 of 2007 on the file of the learned V Additional District and Sessions Judge, Coimbatore.

2.The First Respondent herein had earlier challenged the order passed in the final decree proceedings and when the matter came for consideration before this Court in C.R.P. No. 3531 of 2013, the decree passed in O.S. No. 253 of 2007 was set aside and an Advocate Commissioner was directed to be appointed afresh for measuring the property and filing a report. Aggrieved against the same, an SLP came to be filed before the Hon'ble Supreme Court, which was also rejected granting liberty to the Petitioner herein to file Review Petition as against the order passed in C.R.P. No. 3531 of 2013. Accordingly, the Petitioner had preferred a Review Petition in Review Petition No.264 of 2018. Pending the Review Petition, the Petitioner had filed the present Revision Petition challenging the docket order dated 17.09.2018 passed in I.A. No. 314 of 2011 in O.S. No. 317 of 2011 appointing an Advocate Commissioner.

3.Though the Petitioner had raised several grounds in the present Civil Revision Petition challenging the appointment of Advocate Commissioner, the learned counsel for the Petitioner during the time of

admission made a submission that the revision has been filed only for the limited purpose of arriving at a finality in the review petition and accordingly, an order of interim stay came to be granted.

4.Today when the matter was called, the learned counsel on both sides represented that the Review Petition against the order passed in C.R.P. No. 3531 of 2013 came to be dismissed by this Court.

5.As the limited scope of preferring the present Civil Revision Petition was only for the purpose of arriving at a finality to the Review Petition initiated by the petitioner herein no fruitful order can be passed in the present Civil Revision Petition, since the petitioner has given up all the other grounds raised in this Civil Revision Petition.

6.Accordingly, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

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vsn/maya

Index : Yes/No

Internet : Yes/No

Speaking /non-speaking order

To

1.The V Additional District and Sessions Judge,
Coimbatore.



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M.S. RAMESH, J.

may



C.R.P. (NPD) No. 2956 of 2018

Dated : 07.01.2019

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