



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.1512 of 2019

and

C.M.P. (MD) .No.7967 of 2019

S.RM.S.Narayanan Chettiar

... Petitioner/
Applicant / Plaintiff

Vs.

V.Sivagnanam

... Respondent/
Respondent / Defendant

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the Court below to issue the certified copy of the order and decreetal order in I.A.No.210 of 2018 in O.S.No.394 of 2012 on the file of the learned Additional Subordinate Judge, Pudukkottai at an early date.

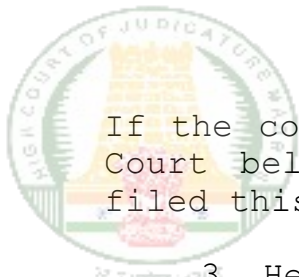
For petitioner

: Mr.N.Rahamadullah

ORDER

This Civil Revision Petition has been filed by the petitioner seeking a direction to the learned Additional Subordinate Judge, Pudukkottai to issue certified copy of the order dated 01.08.2019 within a stipulated time.

2. The learned counsel for the petitioner submitted that the petitioner herein as plaintiff has filed the suit in O.S.No.394 of 2012 for declaration, possession and mesne profits for the use and occupation of the suit property against the respondent/defendant. During the pendency of the suit for trial, the petitioner has filed I.A.No.210 of 2018 for appointment of Advocate Commissioner to examine him as a witness and to record the chief examination, cross examination and re-examination and also to mark the document, stating that due to his old age (88 years), he could not appear before the Court for giving evidence. The said petition was dismissed by the Court below by order dated 01.08.2019. But, till date the copy of the order dated 01.08.2019 is not issued by the Court below and hence, the petitioner could not aware under what reason the petition has been dismissed and he could not file an appeal/revision against that order. He would further submit that now the Court below has directed to list the suit on 03.09.2019, with an oral observation that if the petitioner/plaintiff will not get into the witness box on that day, the suit will be dismissed.



If the copy of the order dated 01.08.2019 is not furnished by the Court below, the petitioner will be prejudiced. Hence, he has filed this petition with the aforesaid prayer.

3. Heard the learned counsel for the petitioner.

4. In view of the limited relief sought for by the petitioner and considering the fact that no prejudice would be caused to the respondent by ordering this petition, this Court is of the view that notice need not be sent to the respondent.

5. Considering the limited relief sought for by the petitioner and considering the date of the order, this Court, without going into the merits of the contention raised by the petitioner, is inclined to issue the following direction to the Court below:

The learned Additional Subordinate Judge, Pudukkottai, is directed to issue copy of the detailed order dated 01.08.2019 passed in I.A.No.210 of 2018 in O.S.No.394 of 2012 within a period of three days from the date of receipt of a copy of this order. The petitioner may immediately file appeal/revision before the appropriate forum and obtain interim order, within a period of one week from the date of receipt of the copy of the order dated 01.08.2019. The Court below is directed not to proceed with the suit for a period of one week from the date of issuance of copy of the order dated 01.08.2019. If the petitioner/plaintiff will not produce any interim order within such period, the Court below shall proceed with the suit in accordance with law.

6. This revision petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

Sub Assistant Registrar(CS)

gcg
To

1.The Additional Subordinate Judge,
Pudukkottai.

+1CC TO MR.N.RAHAMADULLAH, Advocate Sr. No. 84754

C.R.P(MD).No.1512 of 2019
30.08.2019

DKS (CO)

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