



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P(MD)No.1686 of 2019
and
C.M.P. (MD)No.8711 of 2019

AC.M.S.Subramanian

... Petitioner / Petitioner /
Defendant

Vs.

R.Muthumani

... Respondent / Respondent /
Plaintiff

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, against the order dated 27.03.2019 made in I.A.No.15 of 2019 in O.S.No.67 of 2011 on the file of the District Munsif Court, Pudukkottai.

For Petitioner : Mr.J.Anandkumar

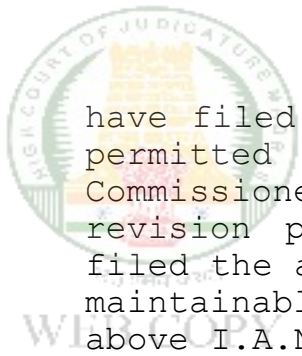
O R D E R

This Civil Revision Petition has been filed challenging the order dated 27.03.2019 made in I.A.No.15 of 2019 in O.S.No.67 of 2011 on the file of the District Munsif Court, Pudukkottai.

2.The learned counsel for the revision petitioner would contend that the above said application was filed to reissue the Advocate Commissioner's warrant on the ground that the Advocate Commissioner appointed by the Court below has not done the commission as per the warrant. However, the Court below without considering the submissions made by the petitioner, dismissed the application. As against the said order, the petitioner has filed present civil revision petition.

3.Heard the learned counsel for the petitioner and perused the materials available on record.

4.Admittedly, in the present case, the Court below appointed an Advocate Commissioner and the said Advocate Commissioner has filed his report. After filing the report, the revision petitioner is entitled to file his objection, but on the other hand, without filing any objections, he has filed the above application to re-issue the Commissioner's warrant and therefore, this Court is of the view that if at all the revision petitioner wants to make any objection to the Advocate Commissioner's report, he is supposed to



have filed objections and in such event, the Court below would have permitted the revision petitioner to cross examine the Advocate Commissioner. This is the course of action available for the revision petitioner and without exercising that options directly filed the above application for re-issuing the warrant, which is not maintainable and therefore, the Court below rightly dismissed the above I.A.No.15 of 2019 in O.S.No.67 of 2011. Therefore, there is no infirmity in the order passed by the Court below. Accordingly, this Civil Revision Petition is liable to be dismissed.

5.In the result, this Civil Revision Petition is dismissed. However, while dismissing this revision, this Court granted liberty to the revision petitioner to file objections, if any, to the Advocate Commissioner's report and if it is required, the Court below shall permit both the parties to cross examine the Advocate Commissioner and dispose off the same. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Munsif,
Aruppukkottai.

+1 CC to Mr.J.ANANDKUMAR, Advocate (SR-89718[F] dated 26/09/2019)

**Order made in
C.R.P (MD)No.1686 of 2019
26.09.2019**

rj2

MK (21.10.2019) 2P 3C