



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P. (PD) (MD) .No.2313 of 2019

WEB COPY

Ramanathan

... Petitioner

Vs.

1.S.M.N.Velusamy Thevar

2.Manirajan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.09.2019 passed in I.A.No.122 of 2017 in O.S.No.85 of 2017 on the file of the IIIrd Additional District Judge, Thanjavur at Pattukottai.

For Petitioner

: Mr.V.Santha Kumaresan

O R D E R

The Civil Revision Petition has been filed against the order of the trial Court in dismissing the application in I.A.No.122 of 2017 filed for appointment of Advocate Commissioner to inspect the suit property and note down the nature of the construction in the suit property.

2. The suit in O.S.No.85 of 2017 has been filed for recovery of money sought to be due from the defendants towards the construction of the work. Whereas the application in I.A.No.122 of 2017 has been filed for appointment of an Advocate Commissioner to note down the nature of the building construction.

3. The entire pleadings do not relate to the quality of construction. What was seeking is only with regard to the due payable by the defendants. Such being the position, the appointment of Advocate Commissioner is not necessary and I do not find any perversity and illegality in the order passed by the trial Court. Hence, the Civil Revision Petition is dismissed.

4. At this juncture, the learned counsel appearing for the petitioner submitted that both the parties are willing for mediation and a direction may be given to the trial Court to dispose of the suit expeditiously.

5. In view of the fact that both the parties are willing for mediation, the trial Court is directed to see that the issue requires mediation and if not, dispose of the suit in O.S.No.85 of



2017 on merits and as per law, as expeditiously as possible.

6. With the above direction, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

13.12.2019

akv

To

The IIIrd Additional District Judge,
Thanjavur, Pattukottai.

+1 CC to M/s.M/S.V.SANTHAKUMARESAN, Advocate (SR-105171[F]
dated 16/12/2019)

C.R.P. (PD) . (MD) .No.2313 of 2019

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SMA/03/01/2020/2P/3C