

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (NPD) 2771 of 2017
and
CMP No.13129 of 2017

1. R. Kavitha
2. Minor Prabhu

...Revision Petitioners

Versus

1. Gunabushnam
2. Chinnammal

... Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, praying to set aside the petition and order passed by the I Additional Subordinate Judge of Cuddalore dismissing I.A.99 of 2016 in I.A.119 of 2014 in O.S.No.187 of 1997 by order dated 26.10.2016.

For Petitioners : Mr.R. Gururaj

ORDER

This Civil Revision Petition has been filed against the order rejecting the petitioners' application for removal of the Advocate

Commissioner and for appointment of fresh Advocate Commissioner in I.A. 99 of 2016 in I.A.119 of 2014 in O.S.No.187 of 1997, passed by the I Additional Subordinate Judge of Cuddalore,

2. In a Final Decree Application in the suit for partition, an ex parte order was passed appointing an Advocate Commissioner to measure the property. Pursuant to the same, the commissioner has also measured the property and filed his report. Thereafter, the defendants in the suit filed an application to remove the Advocate Commissioner and to appoint a fresh Advocate Commissioner to measure the property. The said application came to be dismissed by the Court below. Now challenging the same, the present Civil Revision Petition has been filed.

3. Mr. R.Gururaj, learned counsel appearing for the petitioner would submit that, pending Revision a final decree has been passed, as against the final decree passed by the Court below, the petitioner has filed an appeal, and the same is pending. Since the final decree has been passed and also an appeal is also filed against the same, at this juncture, no further adjudication is required in the present Revision Petition and hence the same is dismissed. However, it is

needless to say that the petitioner is always at liberty to raise all objections in the first appeal. No costs. Consequently, connected miscellaneous petition is closed.

25.02.2020

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To

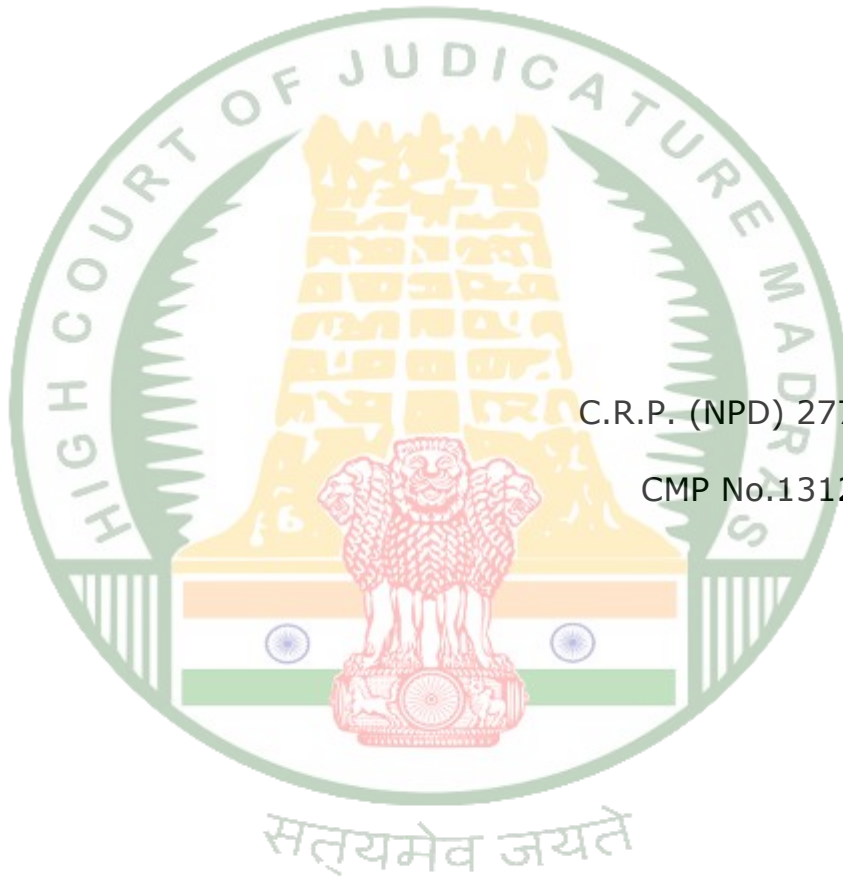
The I Additional Subordinate Judge, Cuddalore



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V.BHARATHIDASAN,J.

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