

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRP(PD)Nos.886 & 887 of 2021
and
CMP.Nos.7260 & 7267 of 2021

Vaduvambal

... Petitioner/Plaintiff
in both petitions

Vs.

1.Sivakumar
2.Karpagam
3.Selvam
4.Sasikumar
5.Vel
6.Anandan
7.Sundar

... Respondents/Defendants
in both petitions

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 21.11.2020, passed by the Principal District Munsif Court, at Poonamallee, in I.A.Nos.108 & 109 of 2020 in O.S.No.339 of 2001.

For Petitioner
in both petitions : M/s.G.Gayathri

For Respondents
in both petitions : No appearance

COMMON ORDER

(These cases have been heard through video conference)

The plaintiff is the revision petitioner herein. The plaintiff had filed O.S.No.339 of 2001, which is now pending on the file of the Principal District Court at Poonamallee.

2.As seen that, the suit has now crossed 20 years of its existence. In the said suit, the plaintiff had filed an interlocutory application in I.A.No.192 of 2010 for appointment of an Advocate Commissioner. An Advocate Commissioner was appointed and inspected the suit property and his Report had been filed on 20.03.2020.

3.On settlement of the pleadings, the parties were invited to adduce evidence. The Plaintiff accepted such invitation and let in evidence. Defendants were also examined. Thereafter, the plaintiff filed an application to summon the Advocate Commissioner. That application was allowed and the Advocate Commissioner was examined. Documents were marked and his evidence had been recorded. The matter is now posted for arguments.

4.At that stage, the plaintiff had thought fit to file I.A.No.108 of 2020 under Section 151 of the Code of Civil Procedure, seeking to scrap the report of the Advocate Commissioner which has been filed on 20.03.2013.

5.Since the matter is posted for arguments, it would be highly inappropriate on the part of this Court to examine either the reasons required for such necessity to scrap the report of the Advocate Commissioner or even the reasons advanced as to why it should not be scraped. It is the prerogative of the Principal District Munsif, Poonamallee, where the suit is now pending at the stage of arguments, to decide the case based on analysis of the evidence.

6.I am not inclined to give any direction. Rather I would expect and trust that the Principal District Munsif, Poonamallee, would analyze the evidence, enter on a discussion on the issues framed and decide the issues after detailed analysis of all materials including the report of the Advocate Commissioner.

7.The present revision petitioner has filed an application with a skewed intention and it is correct that the Principal District Munsif had dismissed the said petition. I concur with the said order.

C.V.KARTHIKEYAN, J.,

ssi

8.Accordingly, the present Civil Revision Petitions are dismissed.
Consequently, the connected miscellaneous petitions are dismissed. No order
as to costs.

23.04.2021

Index:Yes/No
Internet:Yes/No
ssi

To

The Principal District Munsif Court, at Poonamallee.



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