

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

C.R.P. (PD) No.3209 of 2019
and C.M.P.No.20914 of 2019

A.Ramakrishnan ... Petitioner

Vs

1.A.Kannappan

2.S.Shenikraj

3.J.Dilip Kumar Mootha

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal dated 20.02.2018 passed in I.A.No.964 of 2017 in O.S.No.338 of 2017 on the file of the VI Assistant, City Civil Court, Chennai as erroneous and thereby allow the same.

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For Petitioner : M/s.Harish Chowdhary
for M/s.T.M.Naidu and Co.

For Respondents : M/s.P.B.Balaji for R3
No Appearance for R1 and R2

ORDER

The Revision Petition arises from the order dated 20.02.2018 passed in I.A.No.964 of 2017 in O.S.No.338 of 2017 by the VI Assistant Judge, City Civil Court, Chennai.

2. O.S.No.338 of 2017 had been filed by the plaintiff seeking a Judgment and Decree to specific perform an Oral Sale Agreement dated 01.06.2006 followed by a consequential letter dated 11.06.2014 and also for a declaration that a Sale Deed registered by the first and second defendants in favour of the third defendant dated 14.10.2008 as sham and nominal and for permanent injunction to protect possession.

3. The written statement has been filed.

4. At that stage, the plaintiff had filed I.A.No.964 of 2017 under Order 26 Rule 10A of the CPC seeking assistance of the Court for appointment of an Advocate Commissioner to take the said letter dated 11.06.2014 to the Office of the Forensic Sciences Department at Chennai

and get it examined by a handwriting expert in accordance with procedure as approved by law and to obtain a report.

5. A counter had also been filed.

6. The learned Judge passed an order dated 20.02.2018 and both the learned counsels for the petitioner and the respondent and also this Court do not understand any single word of the order passed.

7. The entire order is extracted below:

"This petition filed by the petitioner / plaintiff under Order XXVI Rule 10A of the Civil Procedure Code, 1908 and amended to pass an order of direction directing the 1st respondent / defendant to form Adhoc Committee with the members appointed by this Court for the time being till the election is conducted to the 1st respondent / defendant Association.

This petition is dismissed. No cost.

*Pronounced by me in the open Court, this the 20th
day of February 2018.*

sd/---,

VI Assistant Judge."

8. The suit does not relate to any election. The petitioner had not sought for appointment of an Adhoc Committee. The order is irrelevant to the facts of the suit.

9. Records had been called for by my learned Predecessor presumingly to determine the number of days the learned Judge has held over the matter to pass a considered order. Records are available. The records are now sent back to the Court.

10. The order now under the Revision is set aside with a direction to the VI Assistant City Civil Court, Chennai to take back on file I.A.No.964 of 2017 once again and afford opportunity to both the petitioner and the respondent to advance arguments and pass a considered order based on the materials available on record.

11. With the above observations, this Civil Revision Petition is allowed. I.A.No.964 of 2017 is remanded back for fresh consideration. No order as to costs. Consequently, the connected miscellaneous petition is closed.

28.06.2021

Internet: Yes/No
Index: Yes/No
rna

To

The VI Assistant, City Civil Court,
Chennai.

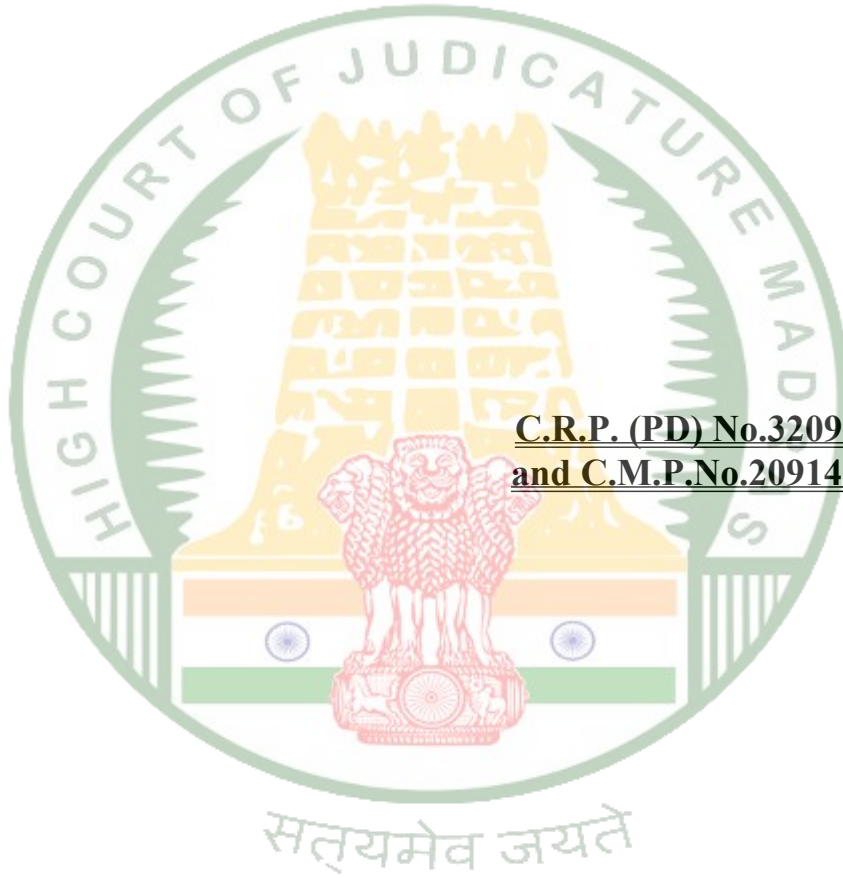
Note:

1. An explanation is to be called for by the Registry from the VI Assistant Judge, City Civil Court, Chennai who was presiding over the VI Assistant City Civil Court, Chennai on 20.02.2018 to give explanation regarding the nature of the order passed in I.A.No.964 of 2017 dated 20.02.2018.

2. Registry to return the records back to the VI Assistant, City Civil Court, Chennai immediately at any rate, within ten working days.

C.V.KARTHIKEYAN,J.

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