

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD) No.3734 of 2018
and C.M.P.No.20814 of 2018

Praveenkumar
rep. by his Power of Attorney Agent
Swaminathan @ N.Palanisamy ... Petitioner

Vs

Thangaraj @ Thangamuthu ... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decretal Order dated 30.07.2018 made in I.A.No.148 of 2018 in O.S.No.30 of 2018 on the file of the Subordinate Court, Kangeyam, Tiruppur District.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.M.Saravana Kumar

ORDER

This Civil Revision Petition is filed against the Fair and Decretal Order dated 30.07.2018 made in I.A.No.148 of 2018 in O.S.No.30 of 2018 on the file of the Subordinate Court, Kangeyam, Tiruppur District, thereby dismissing the petition to reopen the I.A.No.148 of 2012.

2. The petitioner is the plaintiff and the respondent is the defendant in O.S.No.37 of 2012. The petitioner filed a suit for recovery of possession and injunction.

3. While pending the suit, the petitioner filed an application for seeking appointment of an Advocate Commissioner in I.A.No.148 of 2012, the said petition was allowed and the Advocate Commissioner was appointed. Thereafter, the petitioner failed to pursue the said petition by payment of remuneration to the Advocate Commissioner and also failed to take any steps to inspect the suit property. Therefore, on 26.09.2016 the Court below closed the petition and proceeded with the trial.

4. At that juncture, the petitioner again filed the petition to reopen the said petition. The commissioner application was allowed on 21.08.2015 itself. Admittedly, the petitioner did not pay any remuneration to the Advocate Commissioner to inspect the suit property. After the period of three years the petitioner again filed petition to reopen the same. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the orders passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

02.07.2021

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

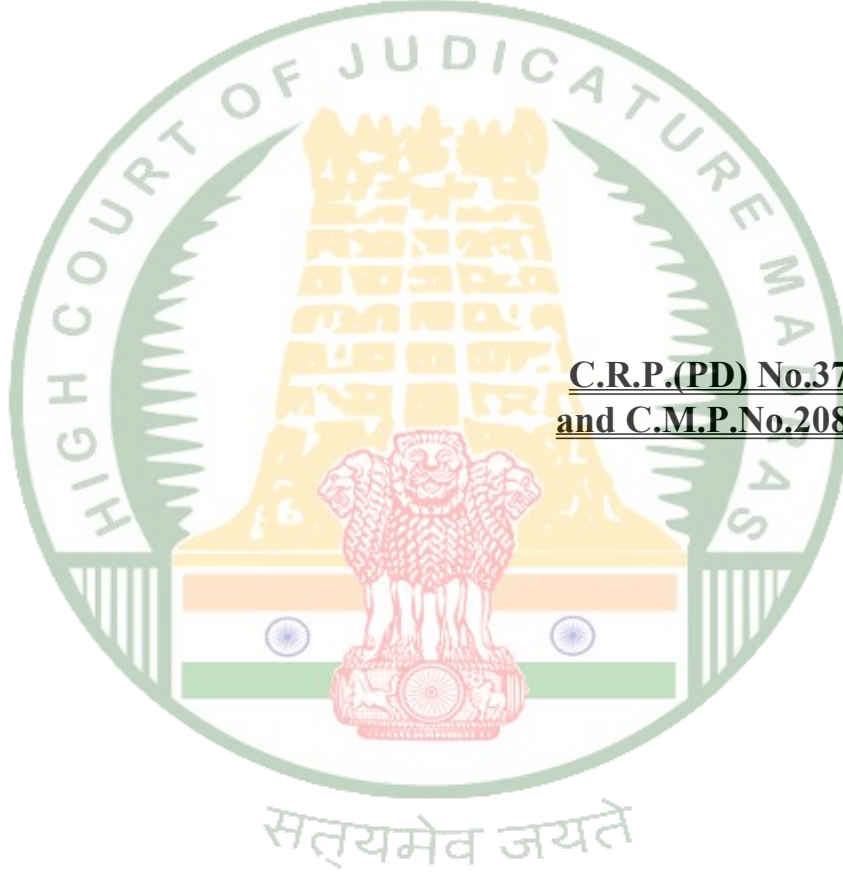
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To

The Subordinate Court,
Kangeyam, Tiruppur District.

G.K.ILANTHIRAIYAN. J,

rna



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