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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (PD) (MD) .No.1298 of 2021

and

C.M.P. (MD) No.7553 of 2021

Chandra

...Petitioner/2nd Respondent/2nd Defendant

Vs.

Periyasamy (Died)

1.Baskar

...1st Respondent/Petitioner/Plaintiff

2.The District Collector,
Tiruchirappalli District,
Collectorate, Cantonment,
Tiruchirappalli.

...2nd respondent/R-3/Defendant

[Cause title accepted, vide Court order, dated 23.08.2021]
made in CMP(MD).No. 6660/021 in CRP(MD).SR.No. 37454/2021

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed by the learned Subordinate Judge, Lalgudi, in I.A.No.697 of 2018 in O.S.No.300 of 2018, dated 09.04.2021

For Petitioner

:Mr.S.K.Mani

For R-1

:Mr.V.R.Shanmuganathan, for
M/s.V.Sujatha

For R-2

:Mr.Baskaran,
Government Advocate

O R D E R

This Civil Revision Petition has been filed to set aside the order, dated 09.04.2021 passed by the learned Subordinate Judge, Lalgudi, in I.A.No.697 of 2018 in O.S.No.300 of 2018.

2.Heard on either side. Perused the material documents available on record.

3. The first respondent herein/plaintiff has filed a suit in O.S.No.300 of 2018 on the file of the Subordinate Court, Lalgudi. During the pendency of the suit, the first respondent/plaintiff has filed a petition in I.A.No.697 of 2018 in O.S.No.300 of 2018, under

<https://hcservices.courts.gov.in/hcservices/>



Order 26 Rule 9 of Civil Procedure Code, seeking order of appointment of Advocate commissioner, and the same was allowed on 09.04.2021 and the same was posted to 28.04.2021 for submitting Advocate commissioner's report and plan. Aggrieved by the said order, the revision petitioner/2nd defendant is before this Court.

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4. In I.A.No.697 of 2018 in O.S.No.300 of 2018, the trial Court has appointed Advocate commissioner to inspect the suit property in the suit survey number and nearby properties.

5. The learned counsel appearing for the revision petitioner has not raised objection for appointment of Advocate commissioner. He insisted that the Commissioner should inspect the entire suit property.

6. The learned Government Advocate appearing for the second respondent has also not raised any objection to that effect.

7. In view of the aforesaid submissions, as per order, dated 09.04.2021 passed in I.A.No.697 of 2018 in O.S.No.300 of 2018 by the learned Subordinate Judge, Lalgudi, the Advocate commissioner is directed to measure the entire property and also nearby properties. The revision petitioner herein is directed to file a memo to the Advocate commissioner to inspect 58 cents along with the property.

8. With the above observations, this Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Subordinate Judge, Lalgudi.

C.R.P. (PD) (MD) .No.1298 of 2021
21.09.2021

KS (CO)

KB (29.09.2021) 2P 2C

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