



WEB COPY



CRP No.1884 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.1884 of 2015
and M.P.No.1 of 2015

Subash Jain

..Petitioner

Vs.

1.P.Kathiravan

2.S.Sundaram

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 20.02.2015 passed in Unnumbered I.A.No. /2014 in O.S.No.363 of 2013 on the file of the II Additional Sub-Judge, Salem and allow the CRP.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.T.S.Vijaya Raghavan

ORDER

The civil revision petition has been filed as against the order dated 20.02.2015 passed in Unnumbered I.A.No. Of 2014 in O.S.No.363 of 2013 on the file of the II Additional Sub-Judge, Salem, thereby returning the application filed for appointment of Advocate Commissioner.



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5. It is seen that without even numbering the petition filed by the petitioner seeking appointment of an Advocate Commissioner, it was returned for the reason already filed petition for appointment of Advocate Commissioner and the same was allowed by an order dated 05.08.2014 in I.A.No.316 of 2013 especially, when the warrant of appointment issued to the earlier Advocate Commissioner having been closed. Without even numbering the application, the trial Court ought not to have returned the application for the reason mentioned in the return endorsement.

6. In view of the above, the order dated 20.02.2015 passed in Unnumbered I.A.No. Of 2014 in O.S.No.363 of 2013 on the file of the II Additional Sub-Judge, Salem, is hereby set aside. The petitioner is permitted to re-present the application for appointment of Advocate Commissioner and the trial Court is directed to number the same and pass orders on merits in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

07.12.2022

Speaking/Non-speaking order
Index : Yes/No
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G.K.ILANTHIRAIYAN.J.

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To

The II Additional Sub-Judge,
Salem.

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