



C.R.P.(PD) Nos.1594 & 1595 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM : JUSTICE **N.SESHASAYEE**

C.R.P.(PD) Nos.1594 & 1595 of 2022
and C.M.P.Nos.8011 & 8019 of 2022

R.Kulandhivel

.... Petitioner in both CRPs
/ Respondent / Defendant

Vs.

Karunakaran

... Respondent in both CRPs
/ Petitioner / Plaintiff

Common Prayer : Civil Revision Petitions filed under Article 227 of Constitution of India, praying (i) to set aside the docket order dated 11.09.2017 made in I.A.No.664 of 2017 in O.S.No.290 of 2017 (ii) to set aside the fair and decretal order dated 20.09.2021 made in I.A.No.37 of 2018 in O.S.No.290 of 2017 respectively, on the file of Additional District Munsif, Namakkal.

For Petitioner : Mr.I.Abrar Mohamed Abdullah



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COMMON ORDER

The revision petitioner is the sole defendant in O.S.No.290 of 2017 on the file of Additional District Munsif, Namakkal. The respondent/plaintiff has taken out an application in I.A.No.664 of 2017 for appointing a commission for local inspection. It appears that the Commissioner discharged his responsibility in terms of the warrant issued by the Court. According to the revision petitioner, the Commissioner faced threat while measuring the property from a third party at the instance of the defendant. Hence, the plaintiff took out another application in I.A.No.37/2018, to provide police protection to the Commissioner. These two applications came to be allowed, and they are under challenge in this revision.

2. The learned counsel for the revision petitioner submitted that the commission was an exparte commission, and that at no point of time, his client has interfered with the job of the Commissioner.

3. Without getting into the merits, this Court merely observes that a Commissioner is an Officer of the Court, and any interference with the job entrusted by the Court, will invite an action for contempt of court.



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4. Turning to the merits of the matter in C.R.P.(PD).No.1594 of 2022 is concerned, the defendant challenges the exparte order of appointing a commission passed in 11.09.2017, almost after 4 ½ years and this Court considers it untenable. Secondly, it is well within the discretionary space available to the learned Judge under the procedure to appoint a Commissioner, and this Court cannot sit on the neck of the trial Judge and instruct him as to how he should exercise his discretion.

5. Turning to C.R.P.(PD) No.1595 of 2022 is concerned, this is more of a consequential order and therefore, nothing need to be stated more.

6. To conclude, this Court does not find merit in both these revisions, and hence, they stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order



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N.SESHASAYEE.J.,

ds

To:
The Judge,
Additional District Munsif
Namakkal.

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