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A.Nos.2121 & 2122 of 2022

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in
C.S.No.256 of 2018

C.V.KARTHIKEYAN, J.

The 5th defendant in the suit has filed these two applications.

2. Application No.2121 of 2022 has been filed seeking a direction against the Advocate Commissioner, Mr.M.K.Kabir, learned senior counsel to defer all further proceedings to sell the properties.

3. As a matter of fact, this Court had passed an order in Application No.5325 of 2022 wherein, a prospective purchaser had sought return of the amount deposited into the Court which itself indicates that the learned Advocate Commissioner is not going through the sale of any of the properties.

4. It is also informed that the learned Advocate Commissioner had also withdrawn himself from such office.

5. In view of that fact this application has become otiose and does not survive any further. Therefore the application stands dismissed.

6. Application No.2122 of 2022 has been filed seeking a direction to the respondent to submit the details of assets and accounts for the period 18.06.2016 to till date.



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7. There is a procedure given in the Code of Civil Procedure that if document or any other details are required, then notice to be produce should be issued and thereafter, if the details are still not furnished, necessary proceedings can be initiated.

8. Circumventing that particular procedure, filing applications before this Court cannot be encouraged.

8. The learned counsel may therefore follow the necessary procedure to issue notice and thereafter file a fresh application.

9. The application is dismissed granting such liberty.

28.11.2022
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