



WEB COPY



C.R.P.(PD).No.1723 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P.(PD).No.1723 of 2022

and

C.M.P.No.8698 of 2022

Ragu

... Petitioner

Vs.

1.Natarajan

2.N.Velukumar

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 03.01.2020 passed in I.A.No.11561 of 2018 in O.S.No.420 of 2012 by the XIV Assistant City Civil Court, Chennai.

For Petitioner : Ms.S.P.Arthi

For Respondents : Mr.PL.Narayanan

### **ORDER**

This revision petition has been preferred challenging the order of the learned XIV Assistant Judge, City Civil Court, Chennai dated 03.01.2020 made in I.A.No.11561 of 2018 in O.S.No.420 of 2012.



2. The revision petitioner is the plaintiff in the suit. The impugned petition in I.A.No.11561 of 2018 was filed to permit the petitioner to cross-examine Dr.Durai Babu, Taluk Surveyor, who accompanied the Advocate Commissioner during the visit to the suit property. Despite the respondents/defendants endorsed no objection, the learned trial Judge had chosen to dismiss the said petition by observing that the oral evidence and cross-examination of the Taluk Surveyor is not necessary because he has done the technical job of measuring the property and it is the Commissioner who had filed the report and it is sufficient if the Commissioner is cross-examined.

3. Despite the permission to cross-examine the Commissioner, there may be some material aspects which need to be asked to the Taluk Surveyor. The learned trial Judge ought to have granted opportunity to summon the Taluk Surveyor as well, for cross-examination, as prayed by the revision petitioner.

4. However, the learned counsel for the respondents brought to the notice of the the Court that despite the petition was dismissed on 03.01.2020 this Civil Revision Petition has been preferred after a delay of 2 years and this



C.R.P.(PD).No.1723 of 2022

has caused further delay in the suit proceedings. It is also reliably learnt that the suit is pending for hearing final arguments. There is also an order passed by the High Court to dispose of the suit within a prescribed time limit. Taking into consideration all these aspects, I feel that a direction should be given to the trial Court to dispose of the proceedings as expeditiously as possible.

5. In the result, this Civil Revision Petition is **allowed** and the fair and decreetal order dated 03.01.2020 made in I.A.No.11561 of 2018 is set aside. The learned XVI Assistant Judge is directed to summon the Taluk Surveyor and upon appearance of the Taluk Surveyor, the revision petitioner should cross-examine him on the same day itself and thereafter the trial Judge should hear the arguments and dispose of the suit as expeditiously as possible and in compliance of the direction of this Court to dispose of the suit within a time prescribed. No costs. Consequently, the connected civil miscellaneous petition is closed.

**13.06.2022**

Index: Yes/No

Speaking / Non Speaking Order

dsa

**NOTE : Issue order copy on 16.06.2022.**



WEB COPY

To

The XIV Assistant Judge,  
City Civil Court, Chennai.



C.R.P.(PD).No.1723 of 2022

**R.N.MANJULA, J**

dsa

**C.R.P.(PD).No.1723 of 2022**

**13.06.2022**