



C.R.P.No.3273 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3273 of 2022
and C.M.P.No.17379 of 2022

1.Kasthuri
2.Chandran
3.Ponnambalam
4.Sulochana

.. Petitioners

Vs.

Ramesh

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to allow the above C.R.P by setting aside the petition and order dated 11.04.2022 in I.A.No.3 of 2022 in O.S.No.58 of 2022, on the file of Additional District Munsiff Court, Namakkal.

For Petitioners : M/s.K.Selvakumar

For Respondent : No Appearance

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Court below appointing exparte Advocate Commissioner to visit the suit property and note down the physical features.



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2. A reading of the certified copy of the petition and order in I.A.No.3 of 2022 would suggest that Advocate Commissioner was appointed by the Court below on 11.04.2022 and thereafter the matter has been adjourned from time to time for the purpose of filing of report by the Advocate Commissioner. A perusal of the certified copy filed along with the revision petition would suggest that the petitioner herein made copy application on 10.08.2022 and he received the copies on 16.08.2022. However, he filed the Civil Revision Petition only on 14.09.2022. According to the learned counsel for the petitioner the Advocate Commissioner has already visited the property and report to be filed by the Advocate Commissioner alone is pending. In these circumstances, this Court is not inclined to interfere with the order passed by the Trial Court to appoint the Advocate Commissioner. It is open to the revision petitioner to file his objection to the report filed by the Advocate Commissioner and explore other remedies. This Civil Revision Petition is disposed of with the above observations. No costs. Connected miscellaneous petition is closed.

13.10.2022

Index: Yes/ No

Speaking Order / Non-Speaking Order

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To

The Additional District Munsif Court,
Namakkal.



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S.SOUNTHAR, J.

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