



CRP(PD)No.2080 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

CRP (PD) No.2080 of 2017
and
CMP.No.9972 of 2017

Gnanavel

...

Petitioner

Vs.

Saminathan

...

Respondent

Prayer: This civil revision petition has been filed under Article 227 of the Constitution of India to set aside the order passed in I.A.No.430 of 2016 in O.S.No.66 of 2012 dated 04.03.2017 on the file of the District Munsif cum Judicial Magistrate, Uthiramerur, Kanchipuram District.

For Petitioner : No appearance

Respondent : Not ready in Notice



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ORDER

No representation for the petitioner. There has been no representation even on the earlier occasion, when it had been noted that the respondent/defendant in the suit has died and steps have not been taken.

2.Let me not hold over the revision petition any further. The plaintiff is the revision petitioner herein. The suit had been filed for declaration of title and for permanent injunction. Written statement has been filed. Thereafter, the parties had adduced evidence. In the meanwhile, an Advocate Commissioner had also been appointed. On the basis of the report of the Advocate Commissioner, the application in I.A.No.430 of 2012 had been filed by the petitioner herein/plaintiff seeking to amend the plaint. The basis for such amendment is not that it was required under the circumstances, but required on the basis of the report of the Advocate Commissioner. The application was dismissed on 04.03.2017, wherein, the learned District Munsif cum Judicial Magistrate, Uthiramerur, had very clearly stated that it is for the parties to state the facts and that the facts



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cannot be stated on the basis of the report of an Advocate Commissioner.

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3. Concurring with such observation and also since the respondent has died, I hold nothing survives in the revision petition.

4. The Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Internet: Yes/No
sms

16.03.2022

To

The District Munsif cum Judicial Magistrate,
Uthiramerur, Kanchipuram District.

C.V.KARTHIKEYAN,J



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