



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.678 of 2022 and

CMP(MD). No.2763 of 2022

WEB COPY

Ramabhadran : Petitioner/ Petitioner / Plaintiff
Vs.

1.Haridhas
2.Arumuga Prasad
3.Shalini
4.Monisha

: Respondents/ Respondents / Defendants

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 21.02.2022 passed in I.A.No.3 of 2021 in O.S.No.66 of 2021 on the file of the Sub Court, Eraniel.

For petitioner : Mr. R. Murugan

ORDER

The revision petitioner / plaintiff has filed this revision to set aside the order, dated 21.02.2022 passed in I.A.No.3 of 2021 in O.S.No.66 of 2021 on the file of the Sub Court, Eraniel.

2. Heard the learned counsel appearing for the petitioner. Since no adverse order passed against the respondents, notice to the respondents is not necessary.

3. The said Interlocutory Application in I.A.No.3 of 2021 filed by the petitioner / plaintiff to appointment an Advocate Commissioner to note down the physical features and also assess the damages caused by the defendants, which were pointed out in the plaint. Since the suit is filed for damages, the respondents have also filed a counter and has stated that for fair adjudication absolutely the Commissioner is highly essential. Without considering the facts of the case and admission by the respondents, the trial Court has dismissed the Commission Petition. Since the respondents have already admitted for appointment of Commissioner no notice is necessary to them.

4. Considering the fact that the case is filed for claiming compensation for damages caused by the respondents / defendants, the Commissioner is necessary to note down the physical features and damages. Hence, this is Court is inclined to allow this revision by setting aside order, dated 21.02.2022 passed in I.A.No.3 of 2021 in O.S.No.66 of 2021 on the file of the Sub Court, Eraniel.



WEB COPY

C.R.P(MD).No.678 of 2022

5. Accordingly, the Civil Revision Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

To

The Subordinate Judge,
Eraniel.

+1 CC to M/s.R.MURUGAN, Advocate (SR-15251[F] dated 30/03/2022)
C.R.P(MD).No.678 of 2022 and
CMP(MD). No.2763 of 2022
30.03.2022

na (CO)
GC (30.03.2022) 2P 3C