



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.05.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (PD) (MD) .No.1071 of 2022

Sri.SPGR Mathavan
S/o. SPG Ramasamy Nadar,
D.No.179/1, Old Aruppukottai road,
Senthil Vinayaga Puram,
Viruthunagar - 626 001.

... Petitioner/Plaintiff

vs.

1.M/s.S.P.G Ramasamy Nadar & Sons
A Partnership firm through its Managing Partner,
Sri SPGR Nithyanandham,
No.77/1, South Car Street,
Virudhunager.

2. Sri SPGR Nithyanandam
3. Sri SPGR Chandran

... Respondents/Defendants

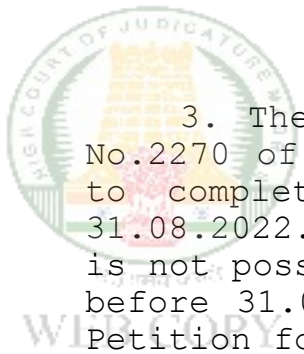
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Subordinate Judge, Viruthunagar to issue commission Warrant to the Advocate Commissioner who was appointed in I.A.No.249 of 2017, dated 05.04.2022, forthwith for verification of accounts of the first respondent firm in O.S.No.54 of 2016 enable to comply the order of this Court made in C.R.P.No.2270 of 2017, dated 24.01.2022 to complete the trial and dispose of the suit on or before 31.08.2022.

For Petitioner : M/s.G.K.Chitradevi

O R D E R

This Civil Revision Petition has been filed to issue a warrant to the Advocate Commissioner along with the Auditor, by virtue of the order, dated 05.04.2022 in I.A.No.249 of 2017, by the learned Subordinate Judge, Viruthunagar.

2. According to the petitioner, though the order was passed on 05.04.2022 in I.A.No.249 of 2017, till date no warrant was issued to the Advocate Commissioner as well as the Auditor appointed by the Court.



3. The main grievance of the petitioner is that in C.R.P.(MD) No.2270 of 2017, this Court has passed an order, dated 24.01.2022, to complete the trial and dispose of the suit on or before 31.08.2022. If so much of time is taking for issuing the warrant, it is not possible to comply with the order passed by this Court, on or before 31.08.2022. Therefore, he filed the present Civil Revision Petition for appropriate direction to the learned Subordinate Judge, Viruthunagar to issue Warrant to the Advocate Commissioner and dispose of the suit as ordered by this Court.

4. Upon hearing the submission made by the learned counsel for the petitioner, it appears that this Court has passed an order in C.R.P.(MD)No.2270 of 2017, dated 24.01.2022 to complete the trial and dispose of the suit on or before 31.08.2022. The Court below has passed an order appointing the Advocate Commissioner in I.A.No.249 of 2017, dated 05.04.2022. Even after the one month the Commission warrant has not been issued. The trial Court has already taken one month time for issuing the Commission warrant.

5. In view of the above, this Court is of the view that the trial Court cannot comply the order passed by this Court in C.R.P.(MD)No.2270 of 2017, dated 24.01.2022., if it takes so much time to issue the Advocate Commission Warrant. Therefore, this Court directs the learned Subordinate Judge, Viruthunagar to issue Commission Warrant to the Advocate Commissioner within a period of three working days from the date of receipt of a copy of this order and thereafter, comply with the order passed by this Court in C.R.P.(MD) No.2270 of 2017, dated 24.01.2022, without fail. Accordingly, this Civil Revision Petition is disposed of. No costs.

Sd/-

Vacation Officer/
Assistant Registrar (CS-I)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

ebsi/akv

To

1.The Subordinate Judge,
Viruthunagar .

+1 CC to M/s.G.K. CHITRA DEVI, Advocate (SR-23701[F] dated
12/05/2022)

C.R.P. (PD) (MD) .No.1071 of 2022
11.05.2022

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