



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.03.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P(MD).No.1475 of 2021

and

C.M.P(MD).No.8208 of 2021

M/s.Easan Electric,
A Proprietorship firm,
Rep.by its proprietor,
S.N.Arunachalam.

...Petitioner/Respondent /Plaintiff

Vs.

V.Somasundaram

...Respondent/Petitioner /Defendant

PRAYER : This Civil Revision Petition is filed under Section 227 of the Constitution of India, to allow this Civil Revision Petition and set aside the order passed by the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur dated 25-08-2021 in I.A.No.3 of 2020 in O.S.No.73 of 2015 and dismiss the application.

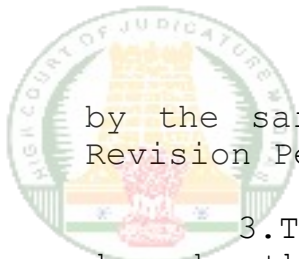
For Petitioners : Mr.N.Dilip Kumar

For Respondents : Mr.H.Lakshmi Shankar
for Mr.J.Ashok

O R D E R

This Civil Revision Petition has been filed to set aside the order passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, dated 25-08-2021 in I.A.No.3 of 2020 in O.S.No.73 of 2015.

2.I.A.No.3 of 2020 was filed by the respondent/defendant under Section 26 Rule 9 and 10 r/w. Section 151 of Civil Procedure Code, to appoint an Advocate Commissioner to inspect the Electrical Transformer, Panel and allied accessories installed and erected in the property more particularly describe the petition schedule with the aid of a qualified Electrical Engineer Cum Valuer and file a detailed report on the basis of the market rates prevailing in the year 2012, which was allowed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur. Aggrieved



by the said order, the respondent/defendant has filed this Civil Revision Petition.

3.The suit is for recovery of money for the electrical work done by the revision petitioner/plaintiff in the suit property. He has filed invoice to prove the articles supplied by him. But no delivery note was produced along with this invoice. There is a contraction regarding the amount mentioned in the invoice and evidence of PW1 during his cross examination. In cross examination PW1, he also admitted the necessity of the Commissioner to ascertain the real fact in the suit property what are the article supplied by the revision petitioner. The revision petitioner has contended that already the suit property was sold to third party. If it is so, the revision petitioner can very well explain the fact and also file objection about the articles supplied by him and what are the articles changed by the new purchase. Therefore, appointment of Commissioner is necessary to measure the property to ascertain the articles and also the transformer installed by him and for finally arriving at a conclusion to value the electrical work done by the revision petitioner.

4.With the above observation, this Civil Revision Petition is dismissed by confirming the order, dated 25.08.2021 made in I.A.No.3 of 2020 in O.S.No.73 of 2015 passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Vsd

To

The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-11634[F] dated 11/03/2022)

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