



C.R.P.Nos.1115 & 1117 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Civil Revision Petition (PD).Nos.1115 & 1117 of 2023
and
Civil Miscellaneous Petition Nos.7831 & 7839 of 2023

Santhi devi

... Petitioner in both cases

Vs.

K.Arthanari [Died]

1. A.Selvakumar

K.Perumal [Died]

2. P.Kasthuri

3. P.Muthammal

4. S.Selvaraj

5. Gandhimathi

6. R.Ramaraj

7. Kamal Basha

8. Amaravathy

9. I.Vijayakumar

... Respondents in both cases

Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the Fair and Final orders dated 07.02.2023 in I.A.Nos.2 & 3 of 2023 in O.S.No.106 of 2005 by the learned II Additional Subordinate Judge, Salem.

For Petitioner in both cases : Mr.R.Nalliyappan



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COMMON ORDER

These Civil Revision Petitions are filed aggrieved by the orders passed in I.A.Nos.2 & 3 of 2023 in O.S.No.106 of 2005, on the file of the learned II Additional Subordinate Judge, Salem, wherein, the trial Court has allowed both the applications, by which, the request of the respondents/plaintiffs was considered in reopening the case of the plaintiffs, for the purpose of marking Advocate Commissioner's Report. It is submitted by the learned counsel appearing for the revision petitioner that though the respondents have filed application for reopening on the ground of marking Advocate Commissioner's Report that the respondents/plaintiffs would also intending to adduce further evidence.

2. Perused the records and the impugned orders passed by the learned trial Judge.

3. The learned trial Judge has observed, in the concluding para of the impugned order, that the Commissioner's Report was filed on 24.11.2014 along with Plan and the petitioner herein has also filed objections to the Commissioners Report on 12.07.2015. It is further observed that the



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Advocate Commissioner was not examined as a witness, and by over sight, the Commissioner's Report and Plan have not been marked, thereby, petition filed by the respondent was allowed. Since the trial Court has passed impugned order for marking of Commissioner's Report and Plan, the trial Court is directed to recall P.W.1 only to the extent of marking of Advocate Commissioner's Report and Plan.

4. With the above observations, these Civil Revision Petitions are disposed of. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

18.04.2023

ssi

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1. The II Additional Subordinate Judge,
Salem.
2. The Section Officer,
V.R.Section,
High Court, Madras.



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Dr. D. NAGARJUN, J.,

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and C.M.P.Nos.7831 & 7839 of 2023

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