



CMSA NO.44 OF 2023

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R. MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

(Order of the court was made by R. MAHADEVAN, J.)

Vide judgment dated 13.09.2023, this court, based on the compromise entered into between the parties, has disposed of the aforesaid Civil Miscellaneous Second Appeal, by directing the appellant / promoter to register the documents and hand over the flat bearing no.J108, Casagrand Asta, Pattaravakkam Village, Ambattur Taluk, to the respondents, and report compliance on 25.09.2023.

2.Today, when this matter was taken up for consideration, the learned counsel for the respondents submitted that the appellant has not handed over the apartment in question in good condition as agreed and there are some defects / damages found therein and therefore, the same have to be rectified by the appellant themselves. In support of her claim, the learned counsel filed additional typed set of documents containing photographs of the apartment.



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3.The aforesaid submission has been seriously refuted on the side of the appellant. To substantiate his stand, the learned counsel sought to appoint an Advocate Commissioner, whose report will help the court to know about the present position of the subject apartment.

4.The learned counsel for the respondents agreed for the appointment of the advocate commissioner by this court.

5.In view of the above, this Court appoints Ms.R.Deepika Sonali (MS 651/2021) having office at No.127, New Additional Law Chambers, High Court Buildings, Chennai, Mobile No.90031 03550 as Advocate Commissioner. She shall go and visit the subject flat, after due intimation to both the parties and in the presence of the them, find out, as to whether there are any defects / damages in the apartment in question and file a detailed report along with the required documents, photographs, etc., if any, on or before 20.10.2023. The appellant / promoter shall pay a sum of Rs.30,000/- (Rupees Thirty Thousand Only) to the Advocate Commissioner towards her remuneration, apart from the transportation and other incidental charges, within a period of two days. Both the parties



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shall extend their co-operation to the Advocate Commissioner to complete the task assigned to her.

6.Post this matter on 20.10.2023 for passing further orders.

(R.M.D., J.)

(M.S.Q., J.)

10.10.2023

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