



WEB COPY



CRP No.3353 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.3353 of 2022
and
CMP.No.17752 of 2022

1.Srinivasan
2.Kanniappan
3.Murugan

... Petitioners

Versus

Loganathan

...Respondent

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 16.08.2022 in I.A.No.4 of 2021 in O.S.No.2222 of 2020 on the file of the VII Assistant City Civil Court, Chennai.

For Petitioners : Mr.D.S.Ramesh
For Respondent : Mr.V.Sivakumar learned counsel
for Mr.P.B.Ramanujam

ORDER

The petitioners have filed this revision petition to set aside the fair and decretal order dated 16.08.2022 in I.A.No.4 of 2021 in O.S.No.2222 of 2020 on the file of the VII Assistant City Civil Court, Chennai.



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2. Heard, Mr.D.S.Ramesh, learned counsel for the petitioner, Mr.V.Sivakumar learned counsel for Mr.P.B.Ramanujam, learned counsel appearing for the respondent and perused the materials available on record.

3. Before the trial Court the petitioners have filed an I.A.No.4 of 2021, to scrap the Advocate Commissioner report filed by the Advocate Commissioner in I.A.No.3 of 2021 in O.S.No.2222 of 2020 dated 02.08.2021. The main contention of the petitioners is that the Advocate Commissioner inspected the suit property without issuing prior notice and the same was dismissed by the learned trial Judge, against which this Civil Revision Petition has been preferred by the revision petitioners.

4. The learned counsel for the respondent submitted that while visiting the suit property the Commissioner has not given proper notice. But, as per the observation made by the learned trial Judge, the Commissioner has admitted that notice was given, but the defendant was not co-operating for the inspection and for measuring the property.



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5. Admittedly, the Commissioner inspected the property on 06.07.2021, after relaxation of the Covid-19 Pandemic period. Therefore, this Court wants to give one more opportunity, to the revision petitioners to measure the property once again.

6. Accordingly, the Commissioner is directed to measure the property at the cost the defendant, by giving notice to both sides, within a period of two weeks from the date of receipt of a copy of this order.

7. The learned trial Judge is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order.

8. With the above direction, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

06.12.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
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To
1. The VII Assistant City Civil Court, Chennai.
2. The Section Officer, VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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