



C.R.P.No.4297 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4297 of 2023

and

C.M.P.No.26175 of 2023

1.Selvaraj

2.Nagaraj

... Petitioners

-Vs-

Ravichandran

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order passed in I.A.No.4 of 2022 in I.A.No.191 of 2013 in O.S.No.122 of 2012 on the file of the District Munsif Court, Mettur dated 07.07.2023 and allow the CRP.

For Petitioners : Mr.J.Prithivi

ORDER

Challenging the impugned order passed in I.A.No.4 of 2022 in I.A.No.191 of 2013 in O.S.No.122 of 2012 passed by the learned District



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Munsif, Mettur, the Revision Petitioners/defendants preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondent is dispensed with.

3. Before the trial court, before commencement of trial, the Respondent/plaintiff filed an application in I.A.No.04 of 2022 under Sec.151 of C.P.C. praying to reopen the application in I.A.No.191 of 2013, which was filed for appointment of advocate commissioner in order to file a final report. That application was allowed by the trial judge. Challenging the said findings, the Revision Petitioners/defendants preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioners would submit that already the warrant was returned by the commissioner and only to drag on the proceedings, the respondent/plaintiff filed an application to reopen the said application. But, without considering their objections, the trial judge allowed the application. Hence, they prayed to set aside the findings of the trial judge.

5. Admittedly, the Respondent/plaintiff filed an application in I.A.No.04 of 2022 praying to reopen the application in I.A.No.191 of 2013



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seeking for appointment of advocate commissioner to file a final report.

That application was allowed by the trial judge. Furthermore, both parties are aged about more than 65 years. If at all, the Revision Petitioners have any objection over the Commissioner's report, they can very well putforth the same before the trial court. So, to avoid further complications, this court is inclined to direct the trial judge to complete the trial and dispose the suit within a period of three months from the date of receipt of copy of this order, since both parties are more than 65 years. The Advocate Commissioner is also directed to file a report, if any within a period of two weeks. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

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To

The District Munsif, Mettur



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T.V.THAMILSELVI, J.

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