



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

**C.R.P.(PD).Nos.4190 of 2019 & 27 of 2020
and C.M.P.Nos.27294 of 2019 & 139 of 2020**

K. Sudhakar Reddy

... Petitioner
in both CRPs

Vs.

1. G. Chalapathy

... Respondent
in CRP.No. 4190 of 2019

2. Nagarajan

... Respondent
in CRP.No. 4190 of 2019

3. M/s.SRF Limited

Rep.by its Power Agent

Mr.Udaya Kumar Sanjeeva

S/o. Sanjeeva Kundar

Associate Vice President

Manufacturing Technical Textile Business

Gummidipoondi

No.49, Pappankuppam Village

Gummidipoondi Taluk,

Thiruvallur District.

... Respondent
in CRP.No.27 of 2020



WEB COPY

Prayer in CRP.No.4190 of 2019:- Civil Revision Petition filed under Section 227 of the Constitution of India to set aside the fair and decreetal order dated 18.01.2019 passed in I.A.No.711 of 2015 in O.S.No.249 of 2013 on the file of the District Munsif Court, Ponneri.

Prayer in CRP.No.27 of 2020:- Civil Revision Petition filed under Section 227 of the Constitution of India to set aside the fair and decreetal order dated 18.01.2019 passed in I.A.No.763 of 2018 in O.S.No.249 of 2013 on the file of the District Munsif Court, Ponneri.

For Petitioner : Mr.S.Parthasarathy
Senior Counsel for
Mr.N.R.Anantharama Krishnan
in both CRPs

For Respondents : Mr.R.Krishnaswamy
in both CRPs

COMMON ORDER

These present civil revision petitions have been filed to set aside the fair and decreetal order dated 18.01.2019 passed in I.A.No.711 of 2015 and I.A.No.763 of 2018 in O.S.No.249 of 2013 on the file of the District Munsif Court, Ponneri.



WEB COPY

2. The learned counsel for the petitioner submitted that this revision petition has been directed as against the Order of dismissal of the application in I.A.No.711 of 2018 filed for appointment of an Advocate Commissioner to note down the physical features of the suit property in O.S.No.249 of 2013 on the file of the District Munsif Court, Ponneri. He further submitted that in the present Civil Revision petition, (CRP.No.4190 of 2019) Advocate Commissioner has been appointed for surveying the property and report dated 07.08.2021 has also been filed by the Advocate Commissioner.

3. The learned Advocate Commissioner submitted that he had visited the property at Gummidipoondi Taluk and measured with the help of Taluk Surveyor of Gummidipoondi Taluk and also filed the report dated 07.08.2021 before this Court. He further filed a memo dated 07.08.2021 seeking additional remuneration of Rs.50,000/- to be paid by the revision petitioner.

4. By consent of both parties, Advocate Commissioner was



appointed by this Court vide order dated 30.01.2020 and he has done the work which has been entrusted to him on 20.03.2021 by travelling all the way that too during the Covid pandemic period by taking risk of his life and submitted the report dated 07.08.2021. Hence, this Court is inclined to order a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) towards additional remuneration to be paid to the Advocate Commissioner by the revision petitioner.

5. The learned counsel for the petitioner initially requested this Court to order a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) as an additional remuneration to the Advocate Commissioner, but however he accepted for the said sum as ordered by this Court and requested two weeks time for payment of the same and that he would pay a sum of Rs.25,000/- on or before 31.10.2023.

6. The learned counsel appearing for either side submitted that now the suit has been transferred from District Munsif Court, Ponneri to District Munsif cum Judicial Magistrate, Gummidipoondi and the suit has been renumbered. It is further submitted that the trial Court may be



directed to decide the preliminary issue of pecuniary jurisdiction at the time of trial as first issue along with the other issues.

7. Registry is directed to forward a photo copy of the report filed by the Advocate Commissioner dated 07.08.2021 to the District Munsif Court, Ponneri and also one more photo copy of the report for the purpose of maintaining record by this Court and transmit the original report to the District Munsif cum Judicial Magistrate, Gummidipoondi. The District Munsif cum Judicial Magistrate, Gummidipoondi may decide the preliminary issue of pecuniary jurisdiction at the time of trial as first issue along with the other issues.

8. In view of the above, the impugned orders dated 18.01.2019 in I.A.Nos.711 of 2015 and 763 of 2018 in O.S.No.249 of 2013 are set aside and the civil revision petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are also closed.

Index : No
dpq

17.10.2023



To
WEB COPY

1. District Munsif Court, Ponneri.
2. The District Munsif cum Judicial Magistrate,
Gummidipoondi



WEB COPY



7

J. SATHYA NARAYANA PRASAD, J.

dpq

**C.R.P.(PD).Nos.4190 of 2019 & 27 of 2020
and C.M.P.Nos.27294 of 2019 & 139 of 2020**

17.10.2023