



C.R.P.(MD)No.314 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).No.314 of 2023

and

C.M.P.(MD).No.1496 of 2023

1.Reginamary

2.Amalraj

... Petitioners

Vs.

N.Indira

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to set aside the fair order dated 07.11.2022 made in I.A.No.5 of 2022 in O.S.No.222 of 2019 on the file of the Sub Court, Manamadurai, Sivagangai District and allow the above civil revision petition.

For Petitioners :Mr.B.Prahalad Ravi



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ORDER

The present Civil Revision Petition has been filed challenging the order passed by the trial Court, rejecting an application filed by the defendant for scrapping the report of the Advocate Commissioner.

2. According to the learned counsel for the revision petitioner, the Commissioner has not properly measured the property and the work was incomplete and no useful purpose will be served with the Commissioner's report. Hence, he had filed an application to scrap the Commissioner's report.

3. The learned Trial Judge, after going through the application, has arrived at a finding that it is not necessary to scrap the commissioner's report and the trial Court had proceeded to dismiss the application, mainly on the ground that the petitioner has not chosen to file any objection to the commissioner's report.



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4.This Court does not find any illegality and infirmity in the order passed by the trial Court in refusing to scrap the Commissioner's report.

However, certain deficiencies have been pointed out by the revision petitioner in the Commissioner's report in his application in I.A.No.5 of 2022. These deficiencies warrant, re-issue of warrant to the same Advocate Commissioner. If any such application is filed by the revision petitioner, the same shall be considered by the trial Court on merits.

5.With the above observations, this Civil Revision Petition stands disposed of. There shall be no order as to costs.

09.02.2023

Index :Yes / No
Internet :Yes / No
Speaking Order/Non-Speaking Order
sbm

To

The Sub Court,
Manamadurai, Sivagangai District.



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R.VIJAYAKUMAR ,J.

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