



C.R.P.(MD).Nos.951 and 952 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)Nos.951 and 952 of 2019

and

C.M.P(MD) Nos.5408 of 2019 in C.R.P(MD) No.951 of 2019

C.R.P(MD) No.951 of 2019:

Thavasimani

... Petitioner/Petitioner/
Petitioner/Plaintiff

-vs-

1. Ahamed
2. Sabikabanu
3. Vellammal

... Respondents/Respondents
Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order, dated 05.02.2019 made in I.A.No.738 of 2017 in I.A.No.633 of 2013 in O.S.No.69 of 2012 on the file of the District Munsif Court, Ramanathapuram.

For Petitioner : Mr.R.Murali

For Respondents : Mr.H.Arumugam
For M/s.Ajmal Associates

C.R.P(MD) No.952 of 2019:

Thavasimani

... Petitioner/Petitioner/
Petitioner/Plaintiff



C.R.P.(MD).Nos.951 and 952 of 2019

-VS-

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1. Ahamed
2. Sabikabanu
3. Vellammal

... Respondents/Respondents
Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order, dated 05.02.2019 made in I.A.No.739 of 2017 in I.A.No.633 of 2013 in O.S.No.69 of 2012 on the file of the District Munsif Court, Ramanathapuram.

For Petitioner : Mr.R.Murali

For Respondents : Mr.H.Arumugam
For M/s.Ajmal Associates

COMMON ORDER

The instant Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 05.02.2019 made in I.A.Nos.738 and 739 of 2017 in I.A.No.633 of 2013 in O.S.No.69 of 2012 on the file of the District Munsif Court, Ramanathapuram.

2. These petitions have been filed against the dismissal order passed on the appointment of Commission Application.



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3. However, the learned counsel appearing for the petitioner would fairly concede that the earlier Commissioner's report is still on the file and would further fairly admit that he has not moved any application to scrap the earlier Commissioner's Report.

4. Therefore, this Court is of the view that when there is an earlier Commissioner's report, the filing of another application for appointment of new Advocate Commissioner and also for re-issuing and re-opening of the same Commission is not legally permissible. Therefore, this Court is of the view that the instant Civil Revision Petitions have no merit and are liable to be dismissed.

5. However, the learned counsel appearing for the petitioner seeks for liberty to move an appropriate application to reject the earlier Commissioner's Report and to file an application for appointment of Commission. Such liberty is given, in the event of the petitioner is filing the application as stated supra, the Court below is directed to dispose of the same according to its own merits.



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6. The learned counsel appearing for the respondents requests this Court to issue a direction for early disposal of the suit. Considering the fact that the suit is of the year 2012, this Court deems it appropriate to direct the Court below to dispose of the suit in O.S.No.69 of 2012 as expeditiously as possible.

7. In the result, both the Civil Revision Petitions stand **dismissed**. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

26.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The District Munsif Court,
Ramanathapuram.



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C.KUMARAPPAN,J.

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