



CRP No.898 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.898 of 2024
and C.M.P.Nos.2884 and 4459 of 2024

1.R.Pushparani
2.R.Gowthamrajasathish
3.R.Rajavinoth
4.R.Rajapradheep
5.Deepapriyadharshini

... Petitioners

Vs.

1.R.Achudanandan
2.Prema Achudanandan

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 11th December 2023 passed in I.A.No.01 of 2022 in O.S.No.144 of 2015, on the file of the learned Additional Sub-ordinate Judge, Vellore, Vellore District and direct the learned Advocate Commissioner to get the entire records relating to the subdivision from the Revenue Authorities and file his final report as directed by the Lower Court vide order dated 2nd day of November 2022 before the Lower Court in above I.A.



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For Petitioners : Mr.SN.Ravichandran

ORDER

The civil revision petition is filed to set aside the order dated 11.12.2023 passed in I.A.No.01 of 2022 in O.S.No.144 of 2015, on the file of the learned Additional Sub-ordinate Judge, Vellore, Vellore District and to direct the Advocate Commissioner to get the entire records relating to the subdivision from the Revenue Authorities and file his final report as directed by the Lower Court vide order dated 02.11.2022 before the Lower Court in above I.A.

2. When the matter was taken up for hearing, learned counsel for the petitioners submitted that without receiving the objections, the learned Judge received the Commissioner's report and closed the I.A.No.01 of 2022 and therefore, challenging that order passed on 11.12.2023, this revision is filed.

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3. On perusal of the records, the fact reveals that the revision petitioners/plaintiffs in O.S.No.144 of 2015, on the file of the learned Additional Sub-ordinate Judge, Vellore, Vellore District, filed suit against the respondents/defendants with the following prayers.

“(a) Declaring the right, title and interest of the plaintiffs over the suit schedule mentioned property;

(b) Granting consequential permanent injunction against the defendants 1 and 2 from interfering with the plaintiffs' peaceful possession and enjoyment of the suit schedule mentioned property;

(c) Directing the defendants to pay the cost of the suit; and

(d) Granting such other relieves as deem fit and proper under the circumstances of the case.”

4. In the suit, an advocate commissioner has been appointed and already report has been filed. Thereafter filed an application in I.A.No.01 of 2022 for re-issuing commissioner's warrant to the same commissioner seeking certain particulars and that petition was also allowed by the Court.



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In pursuance of the order in I.A.No.01 of 2022, commissioner filed a report. on receiving the report, the case has been posted for objection, if any, within a period of two weeks. The learned Judge, closed the petition in I.A.No.01 of 2022 and posted for trial on 18.02.2024.

V.SIVAGNANAM, J.

(mpa)

5. Considering the nature of the order and report, the trial Court is directed to receive the objection, if any filed by both the parties and proceed with the trial. Accordingly, the parties are directed to file objection to the commissioner's report within a period of two weeks. On receiving their objection, the trial Court is at liberty to proceed with the trial.

6. The civil revision petition is disposed of with the above directions. There will be no order as to costs. consequently, connected miscellaneous petitions are closed.

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Internet: Yes/No

mpa

Note.Issue order copy on 14.03.2024

To

The Additional Sub-ordinate Judge, Vellore, Vellore District.

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