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C.M.P.No.4229 of 2024
in C.R.P.SR.No.165218 of 2023

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M.NIRMAL KUMAR, J.

This petition is filed seeking to dispense with the submission of an order/judgment/Decree in I.A.No.2 of 2019 in O.S.No.2990 of 2019.

2.The petitioner has filed a civil suit in O.S.No.2990 of 2019, which is pending before the XIX Additional Judge, City Civil Court, Chennai, in which, she filed I.A.No.1 of 2019 seeking to treat the petition as emergent and I.A.No.2 of 2019 seeking interim direction to the first respondent to repair the premises and I.A.No.4 of 2019 seeking for appointment of an Advocate Commissioner to assess the damages.

3.The Advocate Commissioner assessed the damages along with an Engineer and submitted a report on 22.03.2022. The report shows that the building needs urgent and immediate repair. Further, prior to filing of the suit, the petitioner caused inspection by the Architect, who gave a report dated 30.12.2012 and through Chartered Engineer she obtained a report dated 10.11.2017.



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4.The petitioner's case is that she is residing in the 9th floor just below the terrace and the terrace is completely damaged. In such circumstances, I.A.No.2 of 2019 has been recorded as closed by adjudication dated 10.06.2022, which was without any enquiry or deliberation, against which, she preferred the above Civil Revision Petition.

5.The petitioner had taken steps to find out the reason for closure of I.A.No.2 of 2019 but there is no such order except for the daily status report and recordings.

6.Finding reason and force in the petitioner's submission, this Civil Miscellaneous Petition is ordered.

02.04.2024

rsi

Note: Registry is directed to number the Civil Revision Petition, if it is otherwise in order.



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