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CRP No.398 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.398 of 2024

T.Rajendran

... Petitioner

Vs.

S.Mohanraj

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the advocate commissioner report and plan filed by the advocate commissioner dated 07.06.2023 made in IA No.776 of 2016 in OS No.433 of 2016 (vide docket order) on the file of the Principal District Munsif Court at Alandur, and set aside the same by allowing this revision petition with costs throughout and pass suitable orders.

For Petitioner

: Mr.J.Arul Prakasam



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ORDER

The civil revision petition is filed to set aside the advocate commissioner's report and plan filed by the advocate commissioner dated 07.06.2023 made in IA No.776 of 2016 in OS No.433 of 2016 (vide docket order) on the file of the Principal District Munsif Court at Alandur, and set aside the same by allowing this revision petition with costs throughout and pass suitable orders

2. The court diary order dated 07.06.2023 in OS No.433 of 2016 reads as under:

IA.No.776/2016 Defendant side filed objection plaintiff side objection not filed. Hence this petition is closed at that stage. IA No.775/2016 Petitioner side enquiry at request call on 26.06.2023 OS No.433/2016 Both side counsel present Issues call on 26.06.2023.

3. On a perusal of the court dairy order dated 21.04.2023 and 07.06.2023, it is noticed that the commissioner has filed the report and plan on 21.04.2023 in IA No.776 of 2016. After receiving the commissioner's



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report, the trial court posted the matter for filing objection, if any by both parties. On 07.06.2023, when the matter was posted, objection was filed on the side of the defendant and no objection was filed on the side of the plaintiff. Therefore, the said petition was closed at that stage.

4. In view of the above, there is no illegality in passing of the order dated 07.06.2023. The civil revision petition is unsustainable and there is no merit in the Revision. The Civil Revision Petition is dismissed. Liberty is given to the petitioner to challenge the commissioner's report. There shall be no order as to costs. Consequently, CMP No.1900 of 2024 is closed.

29.02.2024

Index: Yes/No
Internet: Yes/No
mrn

V.SIVAGNANAM, J.

mrn



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To
The Principal District Munsif Court at Alandur,

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