



C.R.P.(MD)No.2380 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.10.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

C.R.P.(MD)No.2380 of 2024  
and  
C.M.P.(MD)No.13488 of 2024

P.Kamaraj

... Petitioner / Petitioner / Defendant

Vs.

Natarajan (died)

1.Vellaiammal

2.Mariappan

3.Kuruvammal

5.Kalyanni

... Respondents / Respondents / Plaintiff

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 15.03.2024 made in I.A.No. 4 of 2022 in O.S.No.260 of 2012 on the file of the Additional Subordinate Court, Srivilliputhur by allowing the civil revision petition.

For Petitioner

: Mr.V.Sebastinal Preethi



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## **ORDER**

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Heard the learned counsel appearing for the revision petitioner.

2. The revision petitioner is figuring as the sole defendant in O.S.No260 of 2012 on the file of the Additional Sub Court, Srivilliputhur. The suit is for declaration and recovery of possession. In the said suit, an advocate commissioner was appointed. On the date of inspection, the petitioner's counsel could not be present owing to illness. The report was also submitted. In this back ground, the petitioner herein filed I.A.No.4 of 2022 for appointment of the new advocate commissioner for inspecting the suit property with the assistance of the surveyor and for submission of a fresh report. The application was dismissed vide order dated 15.03.2024. Questioning the same, the civil revision petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds of revision and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. I am not swayed by the said submission. The court below had passed a detailed order containing sound reasons for negating the petitioner's request.



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It is not as if the advocate commissioner undertook surprise inspection. Prior notice was given. It was the duty of the petitioner's counsel to have been present. If due to illness or any other reason, he was unable to be present, he ought to have made an alternative arrangement. Only on account of his absence, the present IA came to be filed. The reasons set out in the affidavit filed in support of I.A.No.4 of 2022 are not sufficient to scrap the earlier report to appoint a new advocate commissioner. Interference with the impugned order is not warranted. The petitioner is of-course at liberty to offer his objection to the earlier report. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**01.10.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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**To:**

The Additional Subordinate Court, Srivilliputhur.



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**G.R.SWAMINATHAN, J.**

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