



C.R.P.(MD)No.2575 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2575 of 2024
and
C.M.P.(MD)No.14872 of 2024

Kamatchi (Died)

Jeyaraman (Died)

1.M.Subramanian

2.Kalyani

3.Shobana

4.Vinothini

5.Vijayalakshmi

6.Susila

... Petitioners / Petitioners

Vs.

1.The District Collector,
Tiruchirappalli-1.

2.The Secretary,
Primary Agricultural Cooperative Bank,
Okkarai.

3.The Panchayat President,
Venkatachalapuram Panchayat,
Thuraiyur Taluk.



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4.The Commissioner,
Uppiliyapuram Panchayat Union,
Uppiliyapuram.

... Respondents / Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the return order dated 18.07.2024 passed in unnumbered Interlocutory Application in SR No.1865 of 2024 in I.A.No.172 of 2013 in O.S.No.4 of 2005 and to direct the learned District Munsif Court, Thuraiyur to number the interlocutory application and take the same on file.

For Petitioners : Mr.V.Meenakshisundaram
for Mr.K.Muthumalai

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 to R4

ORDER

Heard both sides.

2. The plaintiffs in O.S.No.4 of 2005 on the file of the District Munsif Court, Thuraiyur are the revision petitioners. They filed I.A.No.172 of 2013 for appointment of the advocate commissioner. An advocate commissioner was appointed. But the said advocate commissioner before executing the warrant became a government counsel. In these circumstances, the plaintiffs filed a fresh IA for appointment of a new advocate commissioner. Even without numbering the same, it was dismissed. Questioning the same, this civil revision petition came to be filed.



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3. I am satisfied that the impugned order suffers from two defects.

Firstly, without numbering IA, it could not have been given a disposal.

Secondly, the earlier advocate commissioner failed to submit his report. He can no longer do so because he became a Government counsel. Therefore, the petitioners have made out a clear case for appointing a new advocate commissioner. In this view of the matter, the impugned order is set aside. The court below is directed to number IA filed by the revision petitioners. It shall also be allowed immediately. This Civil Revision Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

23.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

rmi

To:

1.The District Munsif Court, Thuraiyur.

2.The District Collector,
Tiruchirappalli-1.

3.The Secretary,
Primary Agricultural Cooperative Bank,
Okkarai.



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- 4.The Panchayat President,
Venkatachalapuram Panchayat,
Thuraiyur Taluk.
- 5.The Commissioner,
Uppiliyapuram Panchayat Union,
Uppiliyapuram.

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