



C.R.P.No.304 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

C.R.P.No.304 of 2025

S. Balaji

... Petitioner

Versus

1.M/s. K.K. Builders a proprietorship firm
represented by its proprietor, Mr. K. Vaidyanathan,
having office at Sakunthala Centre,
Old No.9, New No.5, Chakrapani Street,
West Mambalam, Chennai – 600 033.

2.Mr. R. Suresh Kumar

3.Mr. S. Sai Prasad

4.Mr. S. Prashanth

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 08.01.2025 in I.A.No.3 of 2023 in O.S.No.4541 of 2023 passed by the XV-Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr. K.V. Sajeevkumar

For Respondents : Mr. K.J. Parthasarthy
for M/s. Lakshmi Vijayakumar (for R1)

: Mr. S. Tirumvalavan (for R2 to R4)



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ORDER

The plaintiff, aggrieved by the dismissal of the application for appointment of Advocate Commissioner, pending suit, has come forward with the present revision.

2. I have heard Mr. K.V. Sajeevkumar, the learned counsel for the petitioner; Mr. K.J. Parthasarthy, the learned counsel appearing for the first respondent as well as Mr. S. Tirumvalavan, the learned counsel appearing for the respondents 2 to 4.

3. The issue pertains to covered car parking, allotment thereof, and enjoyment of the same.

4. It is brought to my notice that the adjacent flat owners also raised similar concerns regarding the covered car parking area, and they have already filed a suit in O.S.No.1996 of 2023, which is pending before the XI Assistant Judge, City Civil Court, wherein, both the plaintiff and the defendant herein are parties in the said suit, which is pending before the XV-Assistant Judge, City Civil Court, Chennai. It is also brought to



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my notice that the trial has recently commenced in the earlier suit in O.S.No.1996 of 2023. Since the issues overlap, it would be appropriate for the same Court to try both the suits in order to avoid multiplicity of proceedings and conflicting orders.

5. In view of the above, the suit in O.S.No.4541 of 2023 is hereby withdrawn from the file of the XV Assistant City Civil Court, Chennai and transferred to the file of XI Assistant Judge, City Civil Court, Chennai, to conduct a joint trial, along with suit in O.S.No.1996 of 2023.

6. Insofar as the request of the plaintiff herein for appointment of an Advocate Commissioner, I leave it open to the discretion of the Trial Court, if it feels it requires any assistance of the Advocate Commissioner, after the evidence is recorded on both sides. If the Trial Court is of the opinion that the report of the Advocate Commissioner is necessary to efficiently adjudicate the disputes in the said suits, then the Trial Court shall *Suo Motu* appoint an Advocate Commissioner. It is also open to either of the parties to seek the appointment of an Advocate



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Commissioner, immediately after conclusion of the evidence and the Trial Court shall dispose of any such application that may be filed, on merits and in accordance with law.

7. With the above observations and directions, this Civil Revision Petition is dismissed. No costs.

07.07.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No

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To

- 1.The XV-Assistant Judge, City Civil Court, Chennai.
- 2.The XI Assistant Judge, City Civil Court, Chennai.



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P.B. BALAJI, J.

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