



CRP(MD). No.1710 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 03/07/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1710 of 2025
and CMP(MD) No.9224 of 2025**

1. D Scape Interiors,

2. M/s.Aa Construction and Inte,

3. J.R.Ganesh

... Petitioners

Vs

M.C.Abilash,
S/o.M.Chandran,
Director of Sri
Auribindo Mira Universal School,
Office At Melakkal Main Road,
Keezhamathoor,
Madurai-625 016.

... Respondent

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and decreetal order made in I.A.No.493/2022 in O.S.No.137/2022 dated 20.02.2025 on the file of Principal District Court, Madurai.

For Petitioner: Mr.V.P.Rajan



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ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 20.02.2025 made in I.A.No.493/2022 in O.S.No.137/2022 on the file of Principal District Court, Madurai.

2. The petitioners are the defendants and the first respondent/plaintiff filed a suit in OS No.137/2022 for mandatory injunction to rectify the defects committed by the defendants in installing glasses and connected works in the schedule mentioned property and to pay jointly or severally a sum of Rs.25 lakhs as compensation for causing damages to the building of the plaintiff with interest at 12% per annum and also to pay Rs.10 lakhs as compensation for causing sufferings to the plaintiff with 12% interest. The petitioner as plaintiff also filed a suit in OS No.114/2019 for recovery of dues as per the purchase order. However, the respondents pending suit filed IA No.493/2022 for appointment of Advocate Commissioner to note down the physical features, elevation, quality of materials used for glass elevation works, quality of glazing work and its allied works done in the petition



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mentioned premises. The said petition came to be allowed, against which, the petitioners are before this Court.

3. The learned counsel for the petitioners would submit that the glass work was done by the petitioners prior to eight years ie., in the year 2017 and the same quality cannot be maintained after a lapse of eight years and if an Advocate Commissioner is appointed at a later point of time to note down the above said facts/works, it will cause great prejudice to the petitioners. However, the learned counsel would submit that this Court may permit the petitioners to visit along with the Commissioner and take photographs as and when necessary and file a report and liberty may also be granted to the petitioners to file their objections.

4. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

5. I have considered the submissions and perused the materials available on record.



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6. In view of the submission now made and considering the facts and circumstances of the case, the petitioners are at liberty to visit the suit mentioned property along with the Advocate Commissioner and take photographs, wherever it is necessary and file a report and the petitioners are also at liberty to raise objections, if any, to the report of the Advocate Commissioner before the trial Court.

7. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

03.07.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Principal District Court, Madurai.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1710 of 2025**

Date : 03/07/2025