

C.R.P.(MD)No.2176 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)No.2176 of 2025

and

CMP (MD) No.12785 of 2025

1.Dhinakaran

2.Subbaiyan

3.Subburaj

... Petitioner(s)

Vs.

1.A.Pandi

2.A.Marimuthu

3.A.Iyappan

4.A.Kalimuthu

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 20.06.2025 in I.A.No.2/2023 in O.S.No. 75/2018 on the file of the District Munsif, Bodinayackanur.

For Petitioner : Mr.S.M.Mohan Gandhi



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ORDER

This Civil Revision Petition is filed seeking a direction to set aside the order dated 20.06.2025 in I.A.No.2 of 2023 in O.S.No.75 of 2018 on the file of the learned District Munsif, Bodinayackanur.

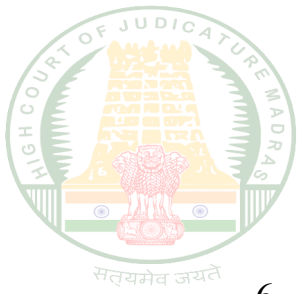
2. Since no adverse order is going to be passed as against the respondents, notice to them is dispensed with.

3. The petitioner is the defendant in O.S.No.75 of 2018, in which the respondent/plaintiff filed I.A.No.1 of 2020, seeking appointment of an Advocate Commissioner. The said application was allowed by the trial Court and subsequently, the Advocate Commissioner submitted his report. However, the petitioner contends that the Commissioner's report is completely biased and appears to have been prepared as if the relief sought in the suit has already been granted. Aggrieved by the same, the petitioner filed I.A.No.2 of 2023 under Order XXVI Rule 10(3) of the Code of Civil Procedure, seeking to set aside the Advocate Commissioner's report. However, the said application was dismissed by the trial Court. Challenging the said order, the present revision petition has been filed.



4. The learned Counsel for the petitioner would submit that this Court may issue a direction to the trial Court to consider the petitioner's objection to the Commissioner's report at the time of trial and to pass appropriate orders in accordance with law. It is further submitted that, if necessary, the trial Court may also permit the petitioner to cross-examine the Advocate Commissioner in the manner known to law. Considering the suit has been pending for over seven years and that no prejudice would be caused to the respondent/plaintiff, it is prayed the trial Court be directed to dispose of the suit within a period of one year.

5. Considering the submission made by the learned counsel for the petitioner, the grievance raised *qua* the Commissioner's report merits consideration during the course of trial. All objections raised by the petitioner can be appropriately adjudicated at the time of trial. The trial Court shall consider the petitioner's objections to the Advocate Commissioner's report and if deemed necessary, the trial Court may also permit the petitioner to cross-examine the Advocate Commissioner in the manner known to law. In view of the fact that the suit is pending for more than seven years, it is also just and proper to direct the trial Court to dispose of the suit as expeditiously as possible, preferably, within a period of one year from the date of receipt of a copy of this order.



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6. The civil revision petition stands dispose of with the above observations and directions. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

06.08.2025

Index : Yes/No
Internet : Yes / No
PKN

To

- 1.The District Munsif, Bodinayackanur.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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