



C.R.P.(MD)No. 1795 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD].(MD)No.1795 of 2025

and

C.M.P.(MD)No.9801 of 2025

Dalmia Cement (Bharath) Ltd,
Rep. by its Manager,
Vincent Antony Raj,
Dalmiapuram, Lalgudi Village & Post,
Trichy District.

...Petitioner

Vs.

1.A.Murugesan

2.State of Tamil Nadu,
Rep. by District Collector,
Kanyakumari District,
Nagercoil.

3.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

...Respondents



C.R.P.(MD)No. 1795 of 2025

WEB COPY

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 25.09.2024 passed in I.A.No.12 of 2024 in I.A.No. 08 of 2024 in O.S.No.144 of 2022, on the file of the II Additional Sub Court, Nagercoil.

For Petitioner : Mr.C.Narendren

For Respondent No.1 : Mr.S.C.Herold Singh

For Respondents 2 & 3 : Mr.B.Saravanan

Additional Government Pleader

ORDER

This petition has been filed seeking to set aside the fair and decreetal order dated 25.09.2024 passed in I.A.No.12 of 2024 in I.A.No.08 of 2024 in O.S.No.144 of 2022, on the file of the II Additional Sub Court, Nagercoil.

2.Learned Counsel for the petitioner would submit that the petitioner is the first defendant in O.S.No.144 of 2022 and the said suit was filed by the respondent / plaintiff. The said suit was filed for declaration and permanent injunction, in which the first respondent / plaintiff filed an application for appointment of Advocate Commissioner. The Advocate Commissioner was appointed and he filed his report. Aggrieved by the report of the Advocate

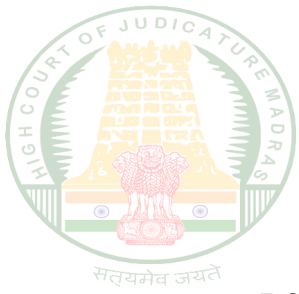


C.R.P.(MD)No. 1795 of 2025

Commissioner, the petitioner herein filed I.A.Nos.8 & 9 of 2024, for examining the Advocate Commissioner and for scrapping the Commissioner's report. The same were dismissed for default on 30.04.2024. Thereafter, the petitioner filed I.A.Nos.12 and 13 of 2024, for restoration of the earlier I.A.Nos.8 & 9 of 2024. The trial Court allowed the said application on payment of a cost of Rs.500/-. Since the revision petition failed to pay the cost, the said applications came to be dismissed. Aggrieved by the dismissal of I.A.No.13 of 2024, the petitioner herein has already filed a Civil Revision Petition in C.R.P.(MD)No.3224 of 2024 and this Court by order dated 27.01.2025, allowed the said CRP by directing the trial Court to restore the restoration application in I.A.No.13 of 2024 and dispose of the same on merits by giving sufficient opportunity to the parties on either side. Now, challenging the order passed in the other I.A.No.12 of 2024, the present Civil Revision Petition has been filed.

3. Learned Counsel for the petitioner prays for a similar relief as granted by this Court in C.R.P.(MD)No.3224 of 2024.

4. Learned Counsel for the respondents have no serious objection.



C.R.P.(MD)No. 1795 of 2025

WEB COPY

5. Since the issues herein is interconnected with the issue in C.R.P. (MD)No.3224 of 2024, the similar relief as granted in the aforesaid CRP is granted herein. Accordingly, the order passed by the trial Court in I.A.No.12 of 2024 is set aside. The trial Court is directed to restore the I.A.No.12 of 2024, back to file within a period of four [4] weeks from the date of receipt of a copy of this order and is also directed to dispose of the main suit within a period of one [1] year thereafter.

6. Accordingly, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

03.07.2025

Internet: Yes/No

Index: Yes/No

MR



WEB COPY



C.R.P.(MD)No. 1795 of 2025

To

- 1.The II Additional Sub Court,
Nagercoil.
- 2.The District Collector,
Kanyakumari District,
Nagercoil.
- 3.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.
- 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)No. 1795 of 2025

M.DHANDAPANI, J.

MR

C.R.P.(MD)No.1795 of 2025

03.07.2025