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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 1498 of 2024
and
CMP No. 8107 of 2024
CNR: {HCMA010443122024}

Case QR

J. Malini
W/o.Late Vincent,
No.5, Vinayagar Koil St,
Velachery Road, Saidapet, Chennai 15.

...Petitioner

Vs

1. J.Anandan
   S/o.late Jayaraman.

2. Hemamalini
   W/o.J.Anandan.
   (Respondents are residing at
   No.5, Vinayagar Koil St, Velachery Road,
   Saidapet, Chennai 15.)

...Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair order and decretal order dated 28.02.2024 passed in I.A.No. 5/2024 in O.S. No. 1903/2018 passed by the XV Assistant City Civil Court at Chennai.

For Petitioner: Mr.M.Arikarasudan
for Mr. B.Hari Krishnan

For Respondents: Mr.A.J.Mohamed Kassim

ORDER

This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order passed in I.A. No. 5 of 2024 in O.S.

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No. 1903 of 2018 on the file of the XV Assistant City Civil Court, Chennai, dated 28.02.2024, wherein the Court below, while allowing the application, directed the petitioner/plaintiff to pay a cost of Rs.5,000/- to the Advocate Commissioner to appear for cross-examination and for marking of the report and the petitioner is aggrieved by the cost of Rs. 5,000/- imposed by the Court below.

2. Heard the learned counsel for the petitioner and the respondents and carefully perused the materials available on record.

3. The petitioner is the plaintiff who filed the suit in O.S. No. 1903 of 2018, seeking for the relief of permanent injunction. During the pendency of the suit, an Advocate Commissioner was appointed, and the petitioner wanted to cross-examine the Advocate Commissioner. The Court below, while allowing the application, directed the petitioner to pay a cost of Rs. 5,000/- to the Advocate Commissioner. According to the petitioner, the cost imposed by the Court below is exorbitant, which requires interference of this Court.

4. Considering the grievance expressed by the petitioner and also considering the fact that the petitioner has already paid remuneration to the Advocate Commissioner for inspection of the property, this Court is inclined to reduce the cost to Rs. 2,000/-.

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5. In the light of the above discussions, the order passed by the Court below is modified to the extent that the cost is reduced from Rs. 5,000/- to Rs. 2,000/-, payable by the petitioner to the Advocate Commissioner, when he appears before the Court below for being cross-examined.

6. In the result, this Civil Revision Petition is disposed of on the above terms. There will be a direction to the learned XV Assistant Judge, City Civil Court, Chennai, to dispose of the suit in O.S. No. 1903 of 2018 within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

18-11-2026
(1/2)

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

rya / kj

To:-
The XV Assistant City Civil Court,
Chennai.

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N.ANAND VENKATESH, J.

rya / kj

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