



C.R.P.(MD)No.3366 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3366 of 2023
and
C.M.P.(MD)No.17410 of 2023

Selvarani

... Petitioner/
Petitioner

Vs.

1. The District Collector,
O/o. District Collector,
Sivagangai, Sivagangai District.

2. The Tahsildar,
O/o.Tahsildar,
Devakottai, Sivagangai District.

3. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Devakottai, Sivagangai District.

4. Ganesan

5. Kulanthaichamy

... Respondents/
Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decretal



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order dated 31.03.2022 in I.A.No.4 of 2021 in O.S.No.173 of 2019 on the file of the Sub Court, Devakottai and set aside the same and consequently allow the civil revision petition.

For Petitioner : Mr.J.Anandkumar

For R1 to R3 : Mr.A.Baskaran
Additional Government Pleader

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.4 of 2021 in O.S.No.173 of 2019 dated 31.03.2022 on the file of the Subordinate Court, Devakottai, dismissing the application filed under Order 26 Rule 9 C.P.C.

2. The revision petitioner/plaintiff has filed the above suit in O.S.No.173 of 2019, claiming permanent injunction restraining the respondents 4 and 5/defendants 4 and 5 from interfering with the revision petitioner/plaintiff's peaceful possession and enjoyment of the suit property. When the suit was in part-heard stage, the revision petitioner/plaintiff has filed the above application in I.A.No.4 of 2021 seeking appointment of Advocate Commissioner.



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3. It is pertinent to note that even in the prayer as well as in the affidavit filed in support of the commission application, the revision petitioner/plaintiff has specifically noted that she has to prove the possession through the appointment of Advocate Commissioner. It is settled law that no Commission can be appointed to show the possession of the property. The learned trial Judge, by specifically observing so, has dismissed the application.

4. Considering the above facts and circumstances, the impugned order dismissing the application cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

5. In the result, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

22.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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K.MURALI SHANKAR,J.

csn

To

1. The Subordinate Court,
Devakottai.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.3366 of 2023
and
C.M.P.(MD)No.17410 of 2023

Dated : 22.12.2023