

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD) No.1975 of 2015 &

M.P.No.1 of 2015

R.V.Sathyamoorthi

... Petitioner

v.

1.P.Godhandapani
2.K.Ramesh
3.K.Ravichandran
4.K.Sankar
5.K.Murali
6.T.Sumathi
7.N.Ramasamy
8.Rajendrakumar @ Raja
9.N.Radha Bai
10.Vijayashanmugasundaram
11.V.S.Navaneethakrishnan
12.Dr.Anand
13.Ramya
14.Jayaprakash
15.Durairaj
16.R.V.Nandakumar
17.R.V.Devakrishnaraj
18.R.V.Bala Gangadhara Thilakar
19.Saroja
20.S.Bagiyalakshmi
21.C.Chandrika

... Respondents

India, to set aside the fair and decreetal order dated 16.03.2015 in I.A.No.61 of 2015 in O.S.No.3 of 2003 on the file of learned II Additional District Judge, Salem.

For Petitioner : Mr.K.Sivasubramanian

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ORDER

Aggrieved over the fair and final order passed in I.A.No.61 of 2015 in O.S.No.3 of 2003 on the file of II Additional District Court, Salem, the 1st defendant has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No. 3 of 2003 for partition.

3. The Trial Court passed a preliminary decree in O.S.No.3 of 2003 on 13.5.2004. Pursuant to the preliminary decree passed by the Trial Court, the plaintiff filed an application in I.A.No.40 of 2013 for passing of final decree. The Trial Court appointed an Advocate Commissioner to divide the suit properties. Thereafter, the petitioner, who is the 4th respondent in the final decree application, filed an application in I.A.No.61 of 2015 to defer the Advocate Commissioner's visit to the petition mentioned property till the disposal of the suit in O.S.No.149 of 2015, pending on the file of Principal District Munsif Court, Salem. The suit in O.S.No.149 of 2015 was filed by

the revision petitioner for permanent injunction.

4. When the Trial Court has passed a preliminary decree way back in the year 2004 and pursuant to the same, the plaintiffs have also filed a final decree application in I.A.No.40 of 2013, pendency of the suit in O.S.No.149 of 2015, which was filed later in time, is not a ground to defer the visit of the Advocate Commissioner. The Trial Court has rightly dismissed the application.

5. In these circumstances, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.06.2015

Index : No
Internet : Yes

Rj

To

The II Additional District Court,
Salem

M. DURAISWAMY,J.,

C.R.P.(PD)No.1975 of 2015 &
M.P.No.1 of 2015

04.06.2015