

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.550 OF 2015
AND M.P.NO.1 OF 2015

Sakunthala

... Petitioner

Vs.

1.Radhakrishnan
2.Thamizharasi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order of the District Munsif Court, Sirkali, made in I.A.No.584 of 2013 in O.S.No.87 of 2010 dated 12.09.2014.

For Petitioner : Mr.S.Sounthar

For Respondents : Mr.M.V.Venkataseshan

ORDER

This Civil Revision Petition arises out of the order dated 12.09.2014 passed in I.A.No.584 of 2013 in O.S.No.87 of 2010 by the learned District Munsif, Sirkali.

2.The petitioner had instituted the suit in O.S.No.87 of 2010 against the respondents for permanent injunction. After the evidence of both sides was over, the petitioner filed an application in I.A.No.584 of 2013 to reopen the case for measurement of the suit property. The petitioner has claimed that she is in possession of 3130 sq.ft in S.No.347/2, as shown AGEF in the plan. The defendants have opposed the application and disputed the claim of the petitioner. The Trial Court dismissed the application on 12.09.2014. Aggrieved by the order, the present Civil Revision Petition is filed.

3.Heard Mr.S.Sounthar, learned counsel for the petitioner and Mr.M.V.Venkateshan, learned counsel for the respondents.

4.Indisputably, the petitioner has filed the suit for permanent injunction. Now, the petitioner wants to measure the property, which is now under the possession of the defendants. The Trial Court has rightly observed that the plaintiff has to prove his possession to get a decree in the suit. The Trial Court has further observed that to find out factum of possession, an Advocate Commissioner cannot be appointed. After trial, the suit was posted for arguments. At this belated stage, the petitioner has filed the application, which was rightly dismissed by the Trial Court. Hence, I do not find any merit in this Civil Revision Petition.

5. In the result, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

24.02.2015

Index : Yes/No
Internet : Yes/No
TK

To

The District Munsif
Sirkali.

K.KALYANASUNDARAM, J.
TK

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