



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

C.R.P (PD) (MD) No.1187 of 2015

and

M.P (MD) .No.1 of 2015

S.P.Spinning Mills Private Limited,
Office at No.1, 147, 104, Kudalur
Main Road, Kariyapatti-636 106
Salem District, rep. through its
Managing Director P.Kanagarajan

... Petitioner

Vs.

1.Johnson
2.Dhanaraj
3.David Ravi
4.Wellington
5.Sekar
6.Selvarani
7.Ponnammal
8.Polytronis Limited
rep. by its Managing Director

(Respondents 2 to 8 are already
set exparte in the suit itself and
they did not contest the above
I.A and hence no separate notice
is necessary in the above C.R.P)

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the Decreetal and Fair order passed by the Additional District Munsif, Valliyoore, Tirunelveli District dated 16 March 2015 made in I.A.No.83 of 2015 in O.S.No.187 of 2010 of rejecting his application filed under Order 26 Rule 9 of C.P.C to appoint an advocate commissioner for the proposed measurement in the suit property at the instance of qualified surveyor.

For Petitioner

: Mr.Ramakrishnan
for Mr.S.Palani Velayutham

O R D E R

The first defendant in O.S.No.187 of 2010 is the petitioner in the civil revision petition.



2.The first defendant filed a suit for partition in O.s.No.187 of 2010 against the petitioner and others. While so, the petitioner filed an application in I.A.No.83 of 2015 for appointment of advocate commissioner. The petitioner wanted the advocate commissioner to measure the suit property and note down its physical features. The application was dismissed by the trial Court. Aggrieved by the said order, the unsuccessful petitioner in I.A.No.83 of 2015 is before this Court.

3.Heard the learned counsel for the petitioner.

4.The suit is one for partition. The Court has to decide as to whether the first respondent is entitled to a decree for partition. The question of allotment and other matters would be decided only during the final decree proceedings. I am therefore of the view that the learned trial Judge was perfectly correct in dismissing the application.

5.In the result, the civil revision petition is dismissed. No costs. Consequently, connected M.P.(MD) No.1 of 2015 is also dismissed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Additional District Munsif, Valliyoor, Tirunelveli District.

+One cc o M/s.D.Palanivelyutham,Advocate, SR.no.33510

Arul

RL/3c - 10/7/2015

C.R.P (PD) (MD)No.1187 of 2015
and
M.P(MD) .No.1 of 2015