

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) Nos.1990 & 1991 of 2015

&

M.P.No.1 of 2015

1.K.Sellappan
2.MAdheswaran
3.Arulmani

... Petitioners in both cases

vs

1.R.D.Rajendra Nayudu

... first Respondent in both cases

2.The Superintending Engineer
Tamilnadu Electricity Board
Paramathi Road,
Namakkal TK & Dt

3.The Divisional Engineer (O&M)
Tamilnadu Electricity Board
Mohanur Road
Namakkal Taluk
Namakkal District

4.The Deputy Divisional Engineer (O&M)
Tamilnadu Electricity Board
Kalappanaickenpatti
Namakkal Taluk
Namakkal District

5.The Junior Engineer (O & M)
Tamilnadu Electricity Board
Solakadu, Kollimalai Taluk
Namakkal District

... Respondents 2 to 5

Civil Revision Petitions filed under Article 227 of the Constitution of India against the orders of learned Subordinate Judge, Namakkal, passed in I.A.Nos.616 and 653 of 2013 in O.S.No.220 of 2012 on 21.08.2014.

For Petitioners : Mr.N.Manokaran
For Respondents : Mr.S.Mohana Sundararajan for R1
No Appearance for R3 to 5

COMMON ORDER

These revisions challenge the orders of learned Subordinate Judge, Namakkal, passed in I.A.Nos.616 and 653 of 2013 in O.S.No.220 of 2012 on 21.08.2014.

2. The respondent is the plaintiff in O.S.No. 220 of 2012, who has sought relief of declaration and permanent injunction. The respondent/plaintiff moved I.A.No.653/2013 towards impleading further defendants in the suit filed by him. Such I.A was allowed and there against C.R.P.(PD)No.1991 of 2015 is preferred. The petitioners/defendants moved I.A.No.616 of 2013 for appointment of Advocate Commissioner. On the dismissal there of C.R.P.(PD) No.1990 of 2015 is filed.

Heard learned counsel for petitioners and learned counsel for first respondent.

3. In allowing I.A.No.653 of 2013, Court below has taken into consideration the respondent/plaintiff's contention that he had acquired title to the property ancestrally and the defendants who had no right over the property created documents and revenue records towards exhibiting their possession thereof. Further, in the written statement defendants had contended that they had constructed a house on the property and they have applied for electricity connection. Court below felt it necessary to scrutinize the entire facts, since the relief sought was one of declaration. It further observed that no prejudice would be caused to the petitioners by allowing the application and the relevance of impleading the proposed parties 4 to 7 could be validated during trial. In dismissing I.A.No.616 of 2013 moved by the petitioners/defendants the Court below has reasoned that an Advocate Commissioner could not be appointed towards gathering evidence. Both orders reflect a reasonable and a possible view and while so, this Court cannot interfere.

4. Accordingly, these Civil Revision petitions are dismissed. No Costs.
Connected miscellaneous petition is closed.

15.06.2016

Index:yes/no
Internet:yes

C.T.SELVAM, J

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To

The Subordinate Judge, Namakkal

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