

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.3732 of 2015
and M.P.No.1 of 2015
and C.M.P.No.3191 of 2016

S.Rukmani Bai

S.Chander Kothari

S.Kishore Kothari

S.Sathish Kothari

... Petitioners

VS

1.Sarojini Chandrasekar

2.C.Ramalinmgam

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order and decreetal order passed in I.A.No.516 of 2015 in O.S.No.1236 of 2014 on 11.06.2015 on the file of learned XII Assistant Judge, City Civil Court, Chennai.

For Petitioners	:	Mr.M.Sundar for M/s.K.Ashok Kumar
For Respondents	:	Mr.R.N.Amarnath

ORDER

This revision challenges the order of learned XII Assistant Judge, City Civil Court, Chennai, passed in I.A.No.516 of 2015 in O.S.No.1236 of 2014 on 11.06.2015.

2. Heard learned counsel for petitioners and learned counsel for respondents.

3. Respondents/plaintiffs filed O.S.No.1236 of 2016 on the file XII Assistant Judge, City Civil Court, Chennai, seeking permanent injunction. The dispute between the parties is over a wall. Revision petitioners contend that such wall is the northern boundary wall of their property. It is the claim of respondents that the revision petitioners have no right there over. While the respondents filed O.S.No.1236 of 2014 on the file of the VIII City Civil Court, Chennai, seeking relief of permanent injunction against interference with their peaceful possession, petitioners have filed O.S.No.1203 of 2014 on the file of XII Assistant, City Civil Court, Chennai, seeking similar relief. Both suits are being tried jointly before the XII Assistant, City Civil Court, Chennai. Respondents/plaintiffs had moved interim application in I.A.No.516 of 2015 in O.S.No.1236 of 2014 seeking appointment of an Advocate Commissioner and the same was allowed under order dated 11.06.2015.

4. Subsequent to transfer of the case in O.S.No.1236 of 2014 from the file of the VIII Assistant City Civil Court, Chennai to the file of XII Assistant City Civil Court, Chennai, for joint trial along with O.S.No.1203 of 2014, the respondents had moved an application for appointment of an Advocate

Commissioner and the Court below being of the view that obtaining further report would be of much use in determining the dispute between the parties, has been pleased to appoint the Advocate Commissioner, who earlier had been so appointed.

5. In the circumstances, this Court finds no error in the order of the Court below. The Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.07.2016

Index:yes/no

Internet:yes

kkd

Note:Issue on 10.08.2016

To

The XII Assistant Judge,
City Civil Court, Chennai.

C.T.SELVAM,J.

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