



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2016

WEB COPY

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1360 of 2016

and

C.M.P (MD) No.6541 of 2016

1. Panneer Selvam

2. Thilgavathy

.. Petitioners/Respondents/
Plaintiff

Vs.

S.Ramasamy

.. Respondent/Petitioner/
1st Defendant

PRAYER: Petition is filed under Article 227 of Constitution of India, to set aside the fair order and decreetal order in I.A.No.613 of 2015 in O.S.No.3 of 2013 on the file of the District Munsif Court, Pattukkottai, dated 23.02.2016 by allowing this Civil Revision Petition.

For Petitioners : Mr.N.Balakrishnan

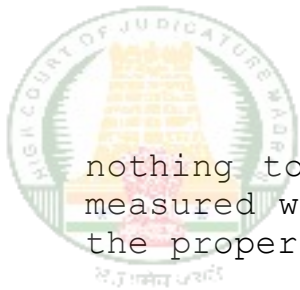
For Respondent : M/s.K.Mahalakshmi
for Mr.D.R.Murugesan

ORDER

This Revision arises out of the order passed by the learned District Munsif, Pattukottai in I.A.No.613 of 2015 in O.S.No.3 of 2013.

2. The petitioners as plaintiffs filed a suit against the respondent and one another for permanent injunction restraining the defendants in any way interfering with the peaceful possession and enjoyment of the suit property. The suit is being contested by the respondent by filing a written statement on 03.04.2013, stating that the properties under the possession and enjoyment of the defendants have nothing to do with the suit properties and the defendants already filed a Writ Petition in W.P.No.176 of 2013 for measurement of the suit properties and the Writ Petition was also allowed on 17.01.2013 and the suit was filed with *mala fide* intention to defeat the order passed in the Writ Petition.

3. Pending suit, the first defendant filed an application for appointment of an Advocate Commissioner contending that he has



nothing to do with the suit property and the property has to be measured with the help of the surveyor to find out the identity of the property of the petitioners and the defendants.

4. The Trial Court, taking into consideration the stand of the respondent in the suit, appointed an Advocate Commissioner and allowed the application on 23.02.2016. Though the order copy was made ready on 26.04.2016, this Revision came to be filed only on 17.06.16.

5. Considering the above facts, I do not find any illegality or perversity in the order impugned in this Revision.

6. In fine, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To
The District Munsif Court,
Pattukkottai.

+1cc to Mr.D.R.MURUGESAN, Advocate Sr.No.35206
PMU
AA/ARK-PV/18.07.2016/2p-3c

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