



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1440 of 2016

and

C.M.P. (MD) No.7062 of 2016

1. Saribinisha
2. Abdu Nisha Begum
3. Rasheetha Begum

.. Petitioners/Petitioners/
Plaintiffs

Vs.

The Divisional Engineer,
Highways Department,
District Collectorate Campus,
Sivagangai Nagar,
Sivagangai District.

... Respondent/Respondent/
1st Defendant

Prayer: Petition filed under Section 227 of Constitution of India to call for the records relating to fair order dated 05.04.2016 made in I.A.No.97 of 2016 in O.S.No.74 of 2013 on the file of the District Munsif cum Judicial Magistrate Court, Illayankudi and to allow this Civil Revision Petition.

For Petitioner : Mr.S.Anwar Sameem

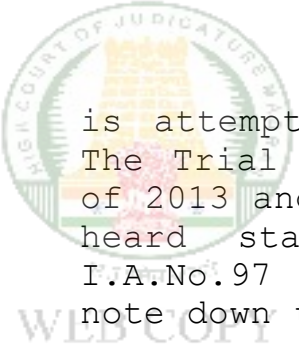
ORDER

This Revision is directed against the order passed by the District Munsif cum Judicial Magistrate Court, Illayankudi in I.A.No.97 of 2016 in O.S.No.74 of 2013, dated 05.04.2016.

2. Heard the learned counsel for the petitioner and perused the records.

3. The petitioners filed a suit against the respondent for permanent injunction and for mandatory injunction.

1. The grievance of the petitioners is that the suit property is used as path way to reach their properties, but the respondent



is attempting to put up constructions obstructing their access. The Trial Court appointed an Advocate Commissioner in I.A.No.288 of 2013 and he has also filed his report. When the suit is in part heard stage, the petitioners filed another application in I.A.No.97 of 2016 for appointment of an Advocate Commissioner to note down the physical features of the suit property.

5. The Trial Court having found that the report of the Advocate Commissioner would not be helpful to decide the issues in the suit property, dismissed the application.

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

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

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif cum Judicial Magistrate,
Illayankudi.
2. The Divisional Engineer,
Highways Department,
District Collectorate Campus,
Sivagangai Nagar,
Sivagangai District.

+ 1 CC TO Mr.T.ANTONY ARUL RAJ, ADVOCATE IN SR No. 39529

PMU

TE/CK : 21/09/2016 : 2P/4C

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