



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

CRP(PD) (MD).No.2000 of 2016
and
CMP(MD).No.9388 of 2016

Selvaraj
Petitioner

: Revision

Vs.

Marimuthu

: Respondent

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.437 of 2016 in O.S.No.225 of 2012 on the file of the learned District Munsif, Palani.

For Petitioner

: Mr. D. Venkatesh

ORDER

This Civil Revision Petition is filed against the fair and decreetal order passed in I.A.No.437 of 2016 in O.S.No.225 of 2012 on the file of the learned District Munsif, Palani.

2. The revision petitioner has filed the suit in O.S.No.225 of 2012 before the learned District Munsif, Palani, seeking for declaration and permanent injunction. In the aforesaid suit, PW.1 was examined and at that time, there was a dispute regarding measurement of the suit property. Hence, the petitioner has filed the present application in I.A.No.437 of 2016 for appointing the Advocate Commissioner to measure the property and the said application was dismissed by the trial Court. Against which, the petitioner has filed the present revision.

3. Heard the learned counsel appearing for the petitioner.

4. From the records it is seen that the respondent filed the suit in O.S.No.225 of 2012, before the learned District Munsif, Palani, seeking for declaration and permanent injunction. <https://hcservices.ecourt.gov.in/cslservices/> as cross examined by the revision petitioner, the petitioner has filed the aforesaid application, for an appointment of Advocate Commissioner. The respondent filed



counter in the aforesaid application and contended that the petitioner herein filed the above said I.A.No.437 of 2016 by suppressing the material fact by non disclosing the orders passed in I.A.No.426 of 2013 for the very same relief. In view of that, the trial Court has dismissed the aforesaid application filed by the petitioner. On perusal of the records also reveal the said fact and the same cannot be countenanced by the petitioner. However, the present application has been filed by the petitioner belatedly. Therefore, the petitioner cannot file the present application at the stage of plaintiff evidence was examined.

5. In such circumstances, I am of the view that the Civil Revision Petition is liable to be dismissed and accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

The District Munsif, Palani.

+1 cc to M/s.V.Venkatesh, Advocate in SR.No. 57843/16

trp
CSL/GSV-PM/11.11.2016: 2P/3C

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