



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2016

CORAM:

WEB COPY

THE HONOURABLE Mr. JUSTICE C.T.SELVAM

C.R.P.NPD(MD)No.942 of 2016

1.Jessy
2.Jenisharitty
3.Minor Esther Joice ... Petitioners

Vs.

1.Rymond
2.Mary
3.Rajendran ... Respondents

PRAYER: The Criminal Revision Petition is filed under Section 115 of C.P.C., against the fair and decretal order dated 10.03.2016 passed by the learned District Munsif, Kuzhithurai in E.A.No.43 of 2016 in E.A.No.326 of 2014 in E.P.No.18 of 2014 in O.S.No.210 of 2006.

For Petitioners : Mr.D.Srinivasa Ragavan
For Respondents : Mr.C.Godwin

O R D E R

This Civil Revision Petition is preferred against an application in E.A.No.43 of 2016 in E.A.No.326 of 2014 in E.P.No.18 of 2014 in O.S.No.210 of 2006 before the District Munsif, Kuzhithurai, seeking appointment of an Advocate Commissioner.

2.The husband of the first petitioner and father of the petitioners 2 and 3 filed in O.S.No.210 of 2006 seeking reliefs of declaration of title, recovery of possession, mesne profits and costs. Learned II Additional District Munsif, Kuzhithurai under judgment dated 07.12.2009 held that the plaintiff is entitled to declaration of title to the suit property and the defendants are liable to handover the possession within a period of four months. Regards mesne profit, the judgment required the plaintiff to work out his remedy by way of separate proceedings under Or.20 R.12 of C.P.C. The decree was put to execution in E.P.No.18/14. The petitioners/ third parties moved E.A.No.326/14 claiming that neither the plaintiff nor the defendants in the suit had anything to do with the suit property and which they entitled there to. Such application was resisted by the plaintiff / husband / father who informed that the petitioners in E.A.No.326 of 2014 had absolutely no right to the property and the petition has been filed merely to delay the disposal of the Execution petition.



Revision petitioners have, thereafter, moved E.A.No.42/16 for appointment of Advocate Commissioner. In dismissing the application, the Court below has reasoned that there is no necessity to appoint an Advocate Commissioner, that petitioners were in the habit repeatedly filing petitions and likewise, the present application has also been filed only to protract the case. This Court finds no error in the order under challenge.

3. Accordingly, the Civil Revision petition is dismissed. The order herein above is made only towards disposal of the present civil revision petition and shall have no bearing on merits of the case of either side. No costs. Consequently, connected C.M.P. is closed.

Sd/

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To
The District Munsif, Kuzhithurai.

+1CC to M/S.Christopher, Advocate, SR.No. 24716

+1CC to M/S.C.Godwin, Advocate, SR.No. 24441

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