



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.R.P. (PD) (MD) No.1257 of 2017

and

C.M.P. (MD) No.6139 of 2017

Murugan @ S.Murugesan

...Petitioner/Plaintiff

-vs-

1.Ayyavu

2.Samakkal

... Respondents/Defendants

PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, against the fair order dated 15.03.2017 in I.A.No.735 of 2014 in O.S.No.233 of 2013 on the file of the District Munsif Court, Madurai Taluk, Madurai.

For Petitioner

:Mr.K.Chengiz Khan

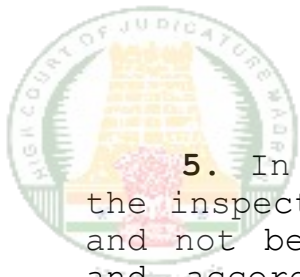
O R D E R

The suit has been laid by the plaintiff simpliciter for bare injunction. Admittedly the suit property is a vacant site. The defendants are contesting the plaintiff's claim by filing a written statement.

2. It appears that the plaintiff had preferred an application in I.A.No735 of 2014 seeking for the appointment of an Advocate Commissioner to inspect the suit property, on the ground that the defendants have to taken a plea in the written statement that the boundaries of the suit property are not properly described and in order to ascertain the same, according to the plaintiff, the inspection of the suit property by the Advocate Commissioner is essential. The said application was seriously resisted by the defendants.

3. It is found that the above said application preferred by the plaintiff for appointment of an Advocate Commissioner was kept pending for more than 2 years. At one point of time, it was dismissed on 21.07.2016. Thereafter, the said application was restored and taken for consideration on merits.

4. Admittedly, it is found that the plaintiff's vendor and the defendants have acquired their respective properties from Pooma Bashiam. The suit property is a vacant site. As rightly found by the trial Court, the plaintiff has to establish his possession by the necessary title deeds. Similarly, the defendants claiming to be in possession of their property has to establish the same by producing the relevant documents.



5. In such circumstances as rightly found by the trial Court, the inspection of the suit property by the Commission is unnecessary and not be conducive to determine the issues involved in the suit and accordingly, rightly dismissed the application laid by the plaintiff.

6. For the reasons afore mentioned, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

/True Copy/

Sub Assistant Registrar

To:

The District Munsif,
Madurai Taluk,
Madurai.

+1cc to Mr.C.PRABHU RAJADURAI Advocate in SR. No.63774
MM/SSS
JS/KP/SAR.2/18.7.2017/2P-3C

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