

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD).No.1357 of 2018 and

C.M.P.No.7154 of 2018

1. Seemon
2. Ruban
3. Selvam
4. Arulappan
5. Felix
6. Arokiasamy

... Petitioners

Vs.

1. B.Shanthi
2. Pilendran @ Bilk
3. Parthiban
4. The Tahsildar
Taluk Office,
Madurantagam
6. The Collector,
Kancheepuram District.
7. Pidha

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the above Civil Revision petition by setting aside the Fair an Decretal Order dated 01.02.2018 passed in I.A.No.79 of 2018 in O.S.No.228 of 2011 on the file of the District Munsif Court, Madurantagam.

For Petitioner : Mr.K.Govi Ganesan

ORDER

The relief sought for in this revision is to set aside the Fair and Decretal Order dated 01.02.2018 made in I.A.No.79 of 2018 in O.S.No.228 of 2011 on the file of the District Munsif Court, Madurantagam.

2. The Revision petitioners are defendants in O.S.No.228 of 2011. The first respondent is the plaintiff in O.S.No.228 of 2011 and respondent in I.A.No.79 of 2018. The first respondent /plaintiff filed the suit against the petitioners/ defendants in O.S.No.228 of 2011 on the file of learned District Munsif Court, Madurantagam for permanent injunction.

3. The petitioners filed an Interlocutory application under Order XXVI Rule 9 and Section 151 of CPC before the trial Court for appointment of an Advocate Commissioner to note down the physical feature of the suit property and to file the report with rough plan.

4. The learned District Munsif, Madurantagam, after hearing the arguments advanced on either side, by an order dated 01.02.2018, dismissed the application in I.A.No.79 of 2018 in O.S.No.228 of 2011.

5. Aggrieved against the said order dated 01.02.2018, the Revision petitioners are before this Court with the present civil revision petition.

6. Heard the learned counsel for the petitioners and perused the available records.

7. After careful perusal of the records as admitted by the petitioners, the respondents filed the suit against the petitioner in O.S.No.228 of 2011, in which the petitioners filed their written statement in the year 2014. Subsequently, after completion of the pleadings and after completion of trial, when the suit was posted for arguments at that stage, the petitioners filed the application for the relief stated supra.

8. Since the suit is only for bare injunction, the trial Court rightly dismissed Interlocutory application that the Advocate Commissioner cannot be appointed for collecting further evidence for establishing possession.

9. In view of the above discussions held above, this Court does not find any illegality or infirmity in the order passed by the trial court in I.A.No.79 of

P.VELMURUGAN, J.,

vum

2018 in O.S.No.228 of 2011 dated 01.02.2018 and further find no merits in the revision petition.

In the result , this civil revision petition is dismissed. Consequently, the connected Miscellaneous petition is closed. No Costs.

12.04.2018

Index:Yes/No
Speaking order / Non speaking order
vum

To

1. The District Munsif,
District Munsif Court,
Madurantagam
2. The Tahsildar
Taluk Office,
Madurantagam
3. The Collector,
Kancheepuram District.

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