

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.08.2018
CORAM
THE HONOURABLE MR. JUSTICE M.S.RAMESH

C.R.P.No.2281 of 2018
and CMP.No. 14254 of 2018

R.Jayaprakash

...Petitioner

Vs.

1.Maadhu,
2.Rajendiran
3.V.P.Samraj

...Respondents

Prayer: This Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and decretal order passed in I.A.No.450 of 2015 in O.S.No.66 of 2015 dated 11.09.2017 by the Learned Principal District Munsif, Pennagaram.

For Petitioner : M/s.J.Vepparasu

O R D E R

This Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and Decretal order passed in I.A.No.450 of 2015 in O.S.No.66 of 2015 dated 11.09.2017 by the Learned Principal District Munsiff, Pennagaram.

2.The suit in O.S.No.66/2015 has been filed by the revision petitioner herein for the relief of declaration and permanent injunction. It is the case of the defendants in the suit that there is an existing cart track, which fact is denied by the plaintiff. The consequential prayer in the main suit is for injunction restraining the defendants from interfering with the plaintiff's peaceful possession of the suit property.

3.Since, the physical existence of cart track in the suit property is in dispute, the appointment of Advocate Commissioner for the purpose of ascertaining the physical features of the land would be relevant and also assist the court in coming to just conclusion.

4.I am unable to comprehend as to how the appointment of Advocate Commissioner would cause any prejudice to the plaintiff. As such, I find no infirmity in the order of the trial court.

5. Accordingly, the Civil Revision Petition stands dismissed.
No costs. Consequently, the connected Miscellaneous Petition is
closed.

Sd/--
Assistant Registrar(CS VI)

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Sub Assistant Registrar

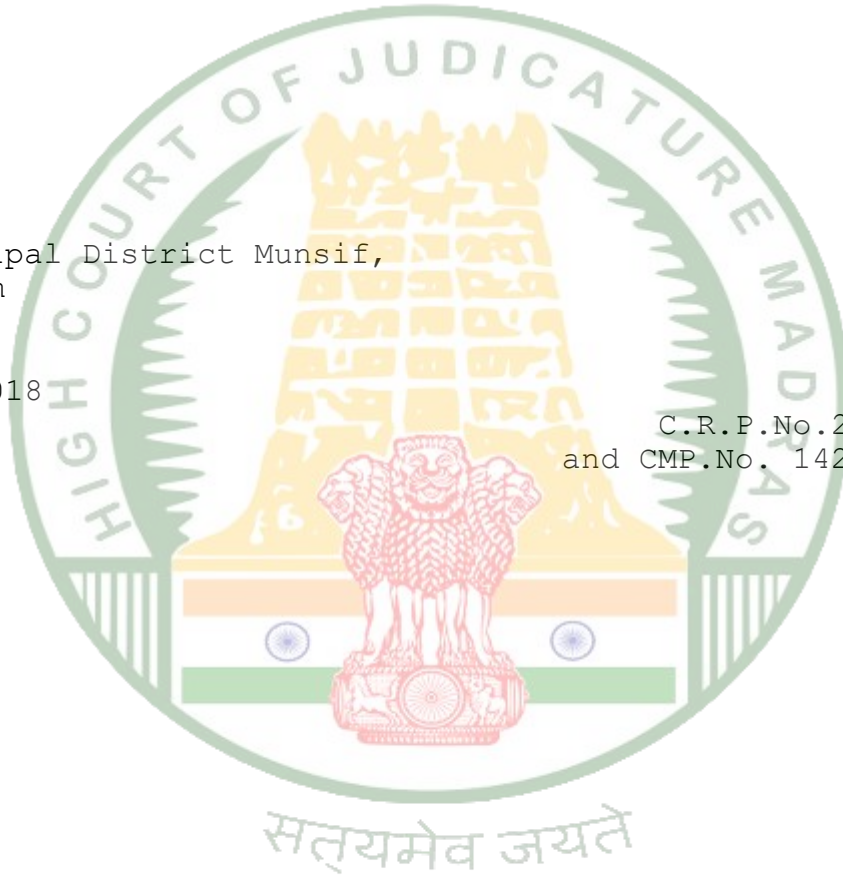
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To

The Principal District Munsif,
Pennagaram

PA(CO)
sm:11.9.2018

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