

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.941 of 2014
& M.P.No.1 of 2014

K.Palanivel

.. Petitioner

Vs.

1.Marappan
2.Manokaran
3.Kanjana
4.Ravi
5.Kaliappan
6.Pannerselvam

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 28.10.2013 made in I.A.No.670 of 2013 in O.S.No.135 of 2013 on the file of the District Munsif Court, Rasipuram.

For Petitioner : Mr.S.M.S.Shriram Narayanan

For Respondents : No appearance

ORDER

The Civil Revision Petition is filed against the fair and decretal order dated 28.10.2013 made in I.A.No.670 of 2013 in O.S.No.135 of 2013 on the file of the District Munsif Court, Rasipuram.

2.The learned counsel for the petitioner submitted that the petitioner has filed suit O.S.No.135 of 2013 on the file of the District Munsif Court, Rasipuram, for injunction restraining the respondents from interfering with the petitioner's peaceful possession and enjoyment of the suit property. Pending suit, the petitioner has filed the present I.A.No.670 of 2013 for appointment of an Advocate Commissioner to inspect the suit property and note down the physical features of the suit property and file a report. The said application was dismissed on 28.10.2013. According to the petitioner, there is a dispute between the petitioner and respondents with regard to the suit property and hence, appointment of Advocate Commissioner is necessary.

3.When the Civil Revision Petition is taken up for hearing, the learned counsel for the petitioner submitted that the suit

O.S.No.135 of 2013 has been decreed and injunction has been granted in favour of the petitioner.

4.In view of the said submission made by the learned counsel for the petitioner, the Civil Revision Petition is dismissed as infructuous. The learned counsel for the petitioner sought liberty to file application for similar relief, if the respondents file appeal against the judgment and decree passed in the suit. The learned counsel for the petitioner relied on the decision reported in **2015(1) MWN (Civil) 663 (R.Vasanthi v. M.Soundararajan)**. The facts of the said case are different and the said decision is not applicable to the facts of the present case. It is open to the petitioner to file application for appointment of Commissioner, if there is any necessity. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

23.03.2018

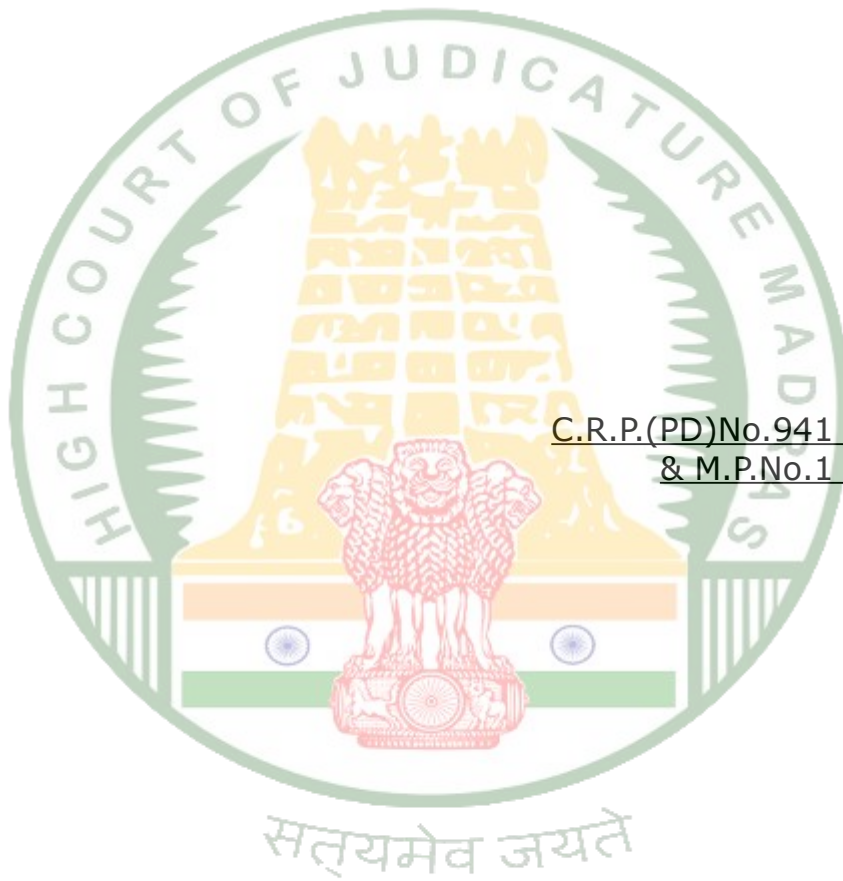
kj

To

The District Munsif, Rasipuram.

V.M.VELUMANI, J.

kj



C.R.P.(PD)No.941 of 2014
& M.P.No.1 of 2014

23.03.2018

WEB COPY