

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2018

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

CRP (PD) No.1962 of 2012
and M.P.No.1 of 2012

Govindasamy

... Petitioner

Vs

1.Parvathy (Deceased)

2.G.Suresh Babu
S/o.Gopal

[R2 brought on record as L.Rs of the deceased sole respondent Vide
order of this Court dated 17.04.2018 in CRP (PD) No.1962 of 2012]

... Respondent

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 02.12.2011 made in I.A.No.1522 of 2010 in O.S.No.405 of 2010 on the file of the Principal District Munsif Court, Erode.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.M.Guruprasad

ORDER

1. This revision is preferred by the defendant in O.S.No.405 of 2010, challenging the order in I.A.No.1522 of 2010, dismissing the petitioner's prayer for appointing a Commission.

2. The suit is laid for declaration of plaintiff's title and recovery of possession from the defendant. The suit property is stated to be a plot of land comprised in T.S.No.208. The revision petitioner, the defendant in the suit is the owner of the adjacent plot in T.S.No.207. In the written statement filed, it is seen that the revision petitioner has essentially challenged the title of the plaintiff to Survey No.208. During the pendency of the suit, the revision petitioner has filed I.A.No.1522 of 2010 for appointing a Commission and this was dismissed on the ground that given the nature of the pleadings in the case no valid reasons was given for appointing the Commission.

3. Heard Mr.N.Manokaran, learned counsel for the petitioner and Mr.M.Guruprasad, learned counsel for the respondent.

4. After hearing the rival submissions and after going through the impugned order of the Court below passed in I.A.No.1522 of 2010, this Court is satisfied that the said order is in order and does not call for any interference. Accordingly, this petition is dismissed, but given the long pendency of the suit itself, the trial Court is directed to take up the matter and dispose of the suit as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2018

ds

Index : Yes /No

To:

The District Munsif
Erode.



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N.SESHASAYEE,J.,

ds



CRP (PD) No.1962 of 2012

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17.04.2018