



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.2238 of 2017 (PD)
and
CMP(MD)No.10928 of 2017

Sudalaimuthu

... Petitioner

Vs.

Esaki Chetteiyar (died)

- 1.Mariyappan
- 2.Mani
- 3.M.Saravanakumar
- 4.Ganesan
- 5.Mariammal
- 6.Arumugam
- 7.Esakiammal @ Mahesh
- 8.Mari @ Selvamari

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the fair and decreetal order passed by the learned Principal District Munsif, Ambasamudram in I.A No.380 of 2017 in O.S No.269 of 2013 dated 08.08.2017 and set aside the same.

For Petitioner : Mr.A.Balakrishnan
For Respondents : Mr.R.J.Karthik
for R1 to R3
R4- No appearance

ORDER

The plaintiff in O.S No.269 of 2013 on the file of the Principal District Munsif Court, Ambasamudram is the revision petitioner. The revision petitioner filed I.A No.380 of 2017 for appointing an Advocate Commissioner. The same was dismissed by the court below on the ground that the suit was filed only for bare injunction and not for the relief of declaration.

2.As rightly pointed out by the learned counsel for the revision petitioner the identity of the suit property is in dispute. Therefore, the work of the Advocate Commissioner would



be confined only to localizing the property in question and materials gathered by him shall not be used for proving the possession of the revision petitioner. The order impugned in this civil revision petition is set aside.

3. With this observation, this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CrI.side)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Principal District Munsif,
Ambasamudram.

+ 1 CC TO Mr.K.P.NARAYANAKUMAR, ADVOCATE IN SR No. 83221

SKM

TE/RSK/SAR-1 : 16/10/2018 : 2P/3C

CRP(MD)No.2238 of 2017 (PD)
and
CMP(MD)No.10928 of 2017
07.09.2018