



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.2473 of 2017

and

C.M.P. (MD) No.11707 of 2017

V.C.Vaithiayalingam (died)

1.V.Vellammal

2.V.Vetrivel

3.V.Somasundram

4.V.Selvaraj

5.V.Lakshmi

6.V.Chidambaranathan

...Petitioners/Petitioners /Plaintiffs
2 to 7

/Vs./

1.K.Gopal

2.G.Kooriwisvanath

3.G.Harikrishnan

4.The Executive Officer,

O/o.Sayalkudi Town Panchayat,

Sayalkudi Town,

Kadaladi Taluk,

Ramanathapuram District.

... Respondents / Respondents /
Defendants

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order 14.09.2017 made in I.A.No.246 of 2016 in O.S.No.51 of 2016 on the file of the District Munsif, Mudukulathur.

For Petitioners : Mr.T.Lajapathi Roy

For R-1 to R-3 : Mr.A.Arumugam

for M/s.Ajmal Associates

For R-4

: Mr.S.Kumar

ORDER

The plaintiffs in the suit in O.S.No.51 of 2016 on the file of the District Munsif Court, Mudukulathur are the revision petitioners herein. The suit was filed for declaring the suit sale deeds to be null and void and for mandatory injunction cancelling building approval plan. In the said suit, the plaintiffs took out an application in I.A.No.246 of 2016 for appointing an Advocate Commissioner for measuring the suit property and noting down the physical features of the suit property. But the same was dismissed by order dated 14.09.2017. The correctness of the said order is challenged in this civil revision petition.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard the learned counsel on either side.



3. This Court went through the plaintiffs' averments and the suit prayer. As rightly observed by the Court below, appointing an Advocate Commissioner is not going to aid in the adjudication process in any manner. The Court below has rightly observed that the evidence to be adduced on either side would be more than sufficient to decide the issues raised in the suit. The reason assigned by the Court below is sound and acceptable and there is no merit in the civil revision petition. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/
Assistant Registrar(Crl Side)

/True copy/

Sub Assistant Registrar(CS-IV)

To

1.The District Munsif, Mudukulathur.

2.The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1cc to M/s.AJMAL ASSOCIATES, Advocate, SR.No.79425

+1cc to Mr.T.Lajapathi Roy, Advocate, SR.No. 79284

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KK/RP/SAR-4/25.09.2018/2P-6C