



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.1487 of 2018

and

C.M.P. (MD) No.6457 of 2018

- 1.Ponnaiah
- 2.Mookkaiah
- 3.Karuppaiah
- 4.Murugan
- 5.Karuppu

...Petitioners/Petitioners /Defendants

/Vs./

Suruli

...Respondent / Respondent / Plaintiff

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order 11.04.2018 made in I.A.No.400 of 2017 in O.S.No.38 of 2017 on the file of the District Munsif Court, Theni and allow the above Civil Revision Petition.

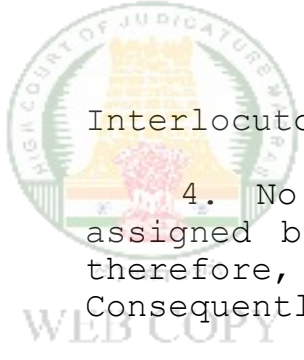
For Petitioners	: Mr.J.Lawrance
For Respondent	: No appearance

ORDER

The defendants in O.S.No.38 of 2017 on the file of the District Munsif Court, Theni, are the revision petitioners herein. It is a suit for injunction. In the said suit, the revision petitioners took out an application in I.A.No.400 of 2017 for appointment of an Advocate Commissioner. The said I.A.No.400 of 2017 was dismissed by order dated 11.04.2018. The correctness of the said order is questioned in this civil revision petition.

2. Heard the learned counsel appearing for the revision petitioners.

3. As rightly observed by the Court below, it is a suit for permanent injunction. Possession is the only issue, which has to be established by adducing evidence on either side. The defendants cannot seek to gather evidence by seeking appointment of an Advocate Commissioner. The Court below rightly dismissed the said



Interlocutory Application filed by the revision petitioners.

4. No case has been made out for interference. The reason assigned by the Court below is sound and acceptable. This Court, therefore, dismisses the Civil Revision Petition. No costs. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Munsif, Theni

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

+ 1 CC TO Mr. J.LAWRANCE, ADVOCATE IN SR No. 79339

SM

TE/JM/SV/SAR-2 : 17/09/2018 : 2P/5C

Order made in
C.R.P. (MD) (PD) No.1487 of 2018
20.08.2018