



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

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CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.1288 of 2016

and

C.M.P. (MD) .No.6139 of 2016

Jebaraj

.. Petitioner/Petitioner/Appellant

/Vs./

1.Subbiah

2.Ramasamy

.. Respondents/Respondents/Plaintiffs

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 07.01.2016 passed in I.A.No.137 of 2014 in A.S.No.80 of 2012 on the file of learned Sub Judge, Kovilpatti.

For Petitioner : Mr.S.Pon Senthil Kumaran
For Respondents : Mr.H.Arumugam

ORDER

The appellant in A.S.No.80 of 2012 on the file of the Sub Court, Kovilpatti, is the revision petitioner herein. The said appeal arises out of O.S.No.184 of 2010 filed by the respondents herein before the District Munsif Court, Kovilpatti. It is a suit for injunction for restraining the defendants from obstructing the flow of water. The suit was decreed. Questioning the same, the appeal has been filed.

2.In the appeal the revision petitioner herein filed I.A.no.137 of 2014 for appointing Advocate Commissioner for noting down the physical features of the property. The Court below took the view that this being a suit for injunction, there is absolutely no need or necessity for appointing an Advocate commissioner. I am in agreement with the reasons assigned by the Court below. There is no merit in this Civil Revision Petitioner.



3. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Subordinate Judge, Kovilpatti.

+ 1 CC TO Mr.S.PON SENTHIL KUMARAN, ADVOCATE IN SR No. 81627
+ 1 CC TO Mr.H.ARUMUGAM, ADVOCATE IN SR No. 81813

TM

TE/RP/SAR-4 : 24/10/2018 : 2P/4C

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