



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P (MD) (PD) .No.131 of 2016

and

C.M.P (MD) .No.622 of 2016

Karuppannan

... Petitioner

vs.

B.Abdul Kadhar
rep by its Male Line Trustee S.Moideen
and Female Line Trustee B.Abdul Kadhar

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to call for the records relating to the order and decreetal dated 13.07.2015 in I.A.No.229 of 2015 in O.S.No.305 of 2012 on the file of the learned Principal District Munsif, Trichirappalli and set aside the same.

For Petitioner : Mr.S.Vinod Sathya Lazar
For Respondent : No appearance

O R D E R

The first defendant in O.S.No.305 of 2012 on the file of the Principal District Munsif Court at Trichirapalli is the revision petitioner herein. It is a suit for ejectment and for payment of damages. While the site belongs to the plaintiff, the revision petitioner/defendant disputes the very entitlement of the plaintiff. Hence, the suit in O.S.No.305 of 2012 has been filed. The revision petitioner also would claim that he put up a superstructure in the suit land. However, the identity of the property is not really in dispute. Therefore, the Court below rightly dismissed the application filed by the revision petitioner for appointment of Advocate Commissioner.

2.This Court concurs with the findings given by the Court below. There is absolutely no scope whatsoever for appointment of Advocate Commissioner.



3. Finding no merit in this petition, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Principal District Munsif,
Trichirappalli.
2. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

RMK
TE/RSK/SAR-1 : 25/09/2018 : 2P/4C

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