



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.09.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD) No.1467 of 2016
and

CMP(MD)Nos.10962 of 2017 & 3663 of 2018

WEB COPY

1.R.Chinnammal

2.R.Gopal ... Petitioners/Petitioners/Defendants
Vs.

M.Murugesan ... Respondent/Respondent/Plaintiff

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A No.846 of 2013 in O.S No.30 of 2012 on the file of the District Munsif Court, Uthamapalayam dated 31.03.2016.

For Petitioners : Mr.H.Venkatesh Krishna

For Respondents : Mr.E.Somasundaram

ORDER

The defendants in O.S No.30 of 2012 on the file of the learned District Munsif Court, Uthamapalayam are the revision petitioners herein. It is a suit for permanent injunction. In the said suit, the defendants filed I.A No.846 of 2013 for appointing an Advocate Commissioner. The said I.A was dismissed by order dated 31.03.2016. Challenging the same, this civil revision petition has been filed.

2.The learned counsel appearing for the revision petitioners would point out that the suit schedule pertains to Survey Nos.773/1, 773/2 and 774. But then, the defendants are having two cents of land in Survey No.773/3C and that the plaintiff is attempting to commit encroachment in respect of the same.

3.It is not the case of the defendants that there is any dispute regarding the identity of the suit property. Therefore, the court below rightly dismissed the I.A filed by the revision petitioners herein. It does not warrant any interference. There is no merit in this civil revision petition. It stands dismissed. If the revision petitioners are of the view that the plaintiff is attempting to swallow their property which is separate and distinct from the suit property, it is open to the revision petitioners to take out appropriate proceedings in this regard.



4. With this observation, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

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/True Copy/

Sd/-

Assistant Registrar(Records)

Sub Assistant Registrar(CS-III)

To

The District Munsif,
Uthamapalayam.

+1CC to Mr.H.Velavadhas, Advocate, SR.No. 86918

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ES/PM/SAR 3/08.11.2018/2P/3C