



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 07.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
C.R.P. (PD) (MD) Nos.2302 of 2016

and

C.M.P. (MD) No.10614 of 2016

K.Shanmugathai ... Petitioner/1<sup>st</sup> Respondent/1st Defendant

Vs.

1.A.Poi Solla Maiyan ... 1<sup>st</sup> Respondent/Petitioner/Plaintiff

2.M.Gurusamy Raj

3.Y.Kovilpitchai Nadar

4.A.Pramu Ammal

5.A.Avudaiyappan ... Respondents 2 to 5/Respondents 2 to 5/  
Defendants 2 to 5

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.199 of 2014 in O.S.No.57 of 2014 dated 15.09.2016 on the file of Principal District Munsif cum Judicial Magistrate Court, Nanguneri by allowing this Civil Revision Petition.

For petitioner : Mr.H.Arumugam

#### ORDER

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The first defendant in O.S.No.57 of 2014 on the file of the Principal District Munsif Cum Judicial Magistrate, Nanguneri is the revision petitioner herein. It is a suit for declaration and permanent injunction. In the said suit, I.A.No.199 of 2014 was filed for appointing an advocate commissioner. The same was allowed. Questioning the same, this Civil Revision Petition is filed.

2.Though the respondents have been served and their names are printed in the cause list, they have not chosen to make their appearance either in person or through counsel.

3.The revision petitioner does not dispute the four boundaries given in the suit schedule. The only issue is regarding the survey number. In the revision petitioner's sale deed, Survey No.270/4 is mentioned. In the plaintiffs' sale deed, Survey No.270/4 is mentioned.

<https://hcservices@courts.gov.in/hcservices/>

4.Since, there is no dispute regarding the four boundaries, I



am of the view that there is no need for appointing an advocate commissioner. The plaintiff will have to establish his title over the suit property.

5. In this view of the matter, the order impugned in this Civil Revision Petition is set aside and this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS-II)

To:

1. Principal District Munsif Cum Judicial Magistrate,  
Nanguneri.

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

+1cc to Mr. H. Arumugam, Advocate, SR.No. 83460

C.R.P. (PD) (MD) Nos. 2302 of 2016  
and  
C.M.P. (MD) No. 10614 of 2016  
07.09.2018

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KK/SKN/SAR-2/09.10.2018/2P-5C