



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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C.R.P. (PD) (MD) No.2310 of 2016

and

C.M.P. (MD) No.10634 of 2016

N.Narayanasamy

...Revision Petitioner/ Petitioner /  
2<sup>nd</sup> Defendant / 2<sup>nd</sup> Defendant

-Vs-

1.M.Senthilkumar

... 1<sup>st</sup> Respondent / 1<sup>st</sup> Respondent /  
1<sup>st</sup> Respondent / Plaintiff

2.Pasumai Pipes,

Represented by its Proprietor,

No.31, Stalin Cottage,

A.M.C.Road, Dindigul Town.

... 2<sup>nd</sup> Respondent / 3<sup>rd</sup> Defendant

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to call for the records and set aside the fair and decreetal order passed in I.A.No.826 of 2015 in I.A.No.771 of 2015 in O.S.No.669 of 2015 dated 30.10.2015 on the file of the Principal District Munsif Court, Dindigul by allowing this Civil Revision Petition.

For Petitioner : Mr.D.Selvaraj

For R1 : No Appearance

**ORDER**

The second defendant in the suit is the revision petitioner herein. O.S.No.669 of 2015 was filed by the first respondent herein seeking the relief of permanent injunction. In the said suit, the revision petitioner herein filed I.A.No.826 of 2015 for appointment of Advocate Commissioner. The said Interlocutory Application was dismissed by the order dated 30.10.2015. The correctness of the said order is questioned in this Civil Revision Petition.

2. Though the plaintiff appeared through the counsel and filed caveat, there is no representation for him today.

3. The learned counsel for the revision petitioner submits that the very existence of the property in question is disputed by the revision petitioner. Therefore, in the very nature of things, appointment of Advocate Commissioner is necessary. The report from the Advocate Commissioner would definitely better elucidate the



facts and questions and reduce the volume of oral evidence. Therefore, the order impugned in this Civil Revision Petition is set aside. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected C.M.P.(MD) No.10634 of 2016 is closed.

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Sd/-  
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Principal District Munsif,  
Dindigul.

+1CC to Mr.D.Selvaraj, Advocate, SR.No.79992

C.R.P.(PD)(MD)No.2310 of 2016  
and C.M.P.(MD) No.10634 of 2016  
24.08.2018

CM  
ES/SKN/RSK/SAR 1/20.09.2018/2P/3C