



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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C.R.P. (PD) (MD) No.2411 of 2016

and

C.M.P. (MD) No.11352 of 2016

Perumalraj

...Petitioner/Petitioner/Plaintiff

/Vs./

1.Sri Chakra Trust,
its Trustees P.Paramasivam.

2.Subbusamy

3.Kutty Pandi

4.Selvaraja

...Respondents/Respondents/Defendants

Prayer: Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 14.09.2015 made in I.A.No.367 of 2015 in O.S.No.146 of 2014 on the file of the District Munsif, Virudhunagar and allow the civil revision petition.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.M.Vijayarathinam

ORDER

The plaintiff in O.S.No.146 of 2014 on the file of the District Munsif, Virudhunagar is the revision petitioner herein. It is a suit for declaration and permanent injunction. In the said suit, the revision petitioner filed I.A.No.367 of 2015 for appointment of an Advocate Commissioner. The Court below, by order dated 14.09.2015 dismissed I.A.No.367 of 2015. Questioning the same, the civil revision petition has been filed.

2. It is seen that the relief is only for declaration and permanent injunction. But, then the petitioner is now projecting the case of construction of buildings by the defendants on the suit property. If it is so, the revision petitioner should have asked for the relief of mandatory injunction or recovery of possession. But, he has not done so. That apart, there is no dispute with regard to the identity of the suit property. The Court below has rightly dismissed the petition. There is no merit in this civil revision petition. Accordingly, the civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-II)



To
The District Munsif, Virudhunagar.

+1cc to Mr.V.Sasikumar, Advocate, SR.No.85742

+1cc to Mr.M.Vijayarathinam, Advocate, SR.No.86167

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Order made in
C.R.P. (PD) (MD) No.2411 of 2016

SM

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