



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM

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**THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN**

C.R.P.PD[MD]No.250 of 2016

and

C.M.P.[MD]No.1040 of 2016

Kalian :Petitioner/Respondent/  
Defendant

**Vs.**

Sasikala :Respondent/Petitioner/  
Plaintiff

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records from the learned District Munsif Judge, Thiruvaiyaru in I.A.No.119 of 2015 in O.S.No.183 of 2013 dated 03.09.2015, hear the parties and allow this revision with costs.

For Petitioner: Mr.A.Haja Mohideen  
For Respondent: Mr.M.R.S.Prabhu  
for Mr.V.K.Vijayaragavan

**O R D E R**

The defendant in O.S.No.183 of 2013 on the file of the District Munsif Court, Thiruvaiyaru is the revision petitioner herein. The suit was filed for recovery of possession. The respondent herein claims to be the cultivating tenant in respect of the suit property. According to the respondent, the revision petitioner had committed encroachment to the extent of 22 cents. This is denied by the revision petitioner in his written statement.

2.The Court below has taken the view that the relief to be given in the main suit would depend on the proof of a better title and making measurements of the property with the help of the Surveyor would only aid the adjudication in the event recovery is ordered. In any event, the rights of the petitioner would in no way be affected. This is not a suit for injunction. It is only a suit for recovery. Therefore, an order of appointment of Advocate Commissioner cannot help the party to gather evidence.

<https://hcservices.ecourts.gov.in/hcservices/>

3.I find no merit in this Civil Revision Petition. The Civil



Revision Petition is dismissed, accordingly. No costs.  
Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (Protocol)

// True Copy //

Sub Assistant Registrar(CS-III)

To  
The District Munsif,  
Thiruvaiyaru.

+ 1 CC TO MR.M.R.S.PRABHU, ADVOCATE IN SR NO.80844  
+ 1 CC TO MR.A.HAJA MOHIDEEN, ADVOCATE IN SR NO.80529

MR  
BU/PM/SAR-III :31.10.2018 : 2P/4C

**ORDER MADE IN**  
**C.R.P.PD[MD]No.250 of 2016**  
**28.08.2018**