



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) .No.527 of 2016 and

C.M.P. (MD) No.2240 of 2016

1. Karpagam
2. Pandi Thevar

... Petitioners/Petitioners/
Defendants 2 & 3

Vs.

Saminathan

...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.1067 of 2015 in O.S.No.127 of 2013 on the file of the District Munsif Court, Devakottai, dated 09.12.2015 and allow this Civil Revision petition.

For Petitioners : Mr.C.Jeyaprakash
For Respondent : Mr.B.Muruganandam

O R D E R

Defendants 2 and 3 in O.S.No.127 of 2013 on the file of the learned District Munsif, Devakottai, are the Revision petitioners herein. They filed I.A.No.1067 of 2015 for appointment of Advocate Commissioner for inspecting the suit property to find out its value and also the age of the building and filing a report. The Court below by order dated 09.12.2015 dismissed the said application. The correctness of the said order is under challenge in this Civil Revision petition.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the Revision petitioners reiterated the contentions set out in the memorandum.

4. I am unable to agree with the said submissions of the learned counsel for the Revision petitioners.



5. It is a suit for declaration and permanent injunction. Therefore, appointment of Advocate Commissioner for the purposes set out in the said application will not in any manner assist in the adjudication of the issues raised in the suit. That apart, it is seen that the said application was filed, when the defendants' evidence was closed. Therefore, taking note of the fact that it was belatedly filed, the Court below rightly dismissed the same.

6. Affirming all the reasons assigned by the Court below, the Civil Revision petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-IV)

pmu

To

1. The District Munsif,
Devakottai.

2.The Record Keeper, (2 COPIES)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Muruganandam, Advocate in SR No.80670

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NM/RP/SAR 4/28.09.18/2P/5C