



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD) No.1605 of 2018
and C.M.P.(MD) No.7053 of 2018

1.Sivasooriyan
2.Kalpana

... Petitioners/Petitioners/Defendants

-Vs-

1.Boopathi Ammal
2.Kalaiselvan
3.Gopal
4.Ramachandran
5.Manimegalai
6.Malarvizhi
7.Siva
8.Minor Inesh
(The Minor 8th respondent through their
Mother and natural guardian of 5th respondent)

... Respondents/Respondents/Plaintiffs

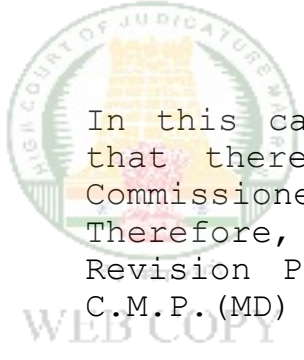
Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India against the fair and order and decretal order passed in I.A.No.923 of 2017 in O.S.No.113 of 2014 dated 03.07.2018 on the file of the Principal District Munsif Court, Ambasamudram.

For Petitioners	: Mr.NGA. Natraj
For R1	: Mr.R.J.Karthick
For R2 to R8	: No appearance

O R D E R

O.S.113 of 2014 on the file of the Principal District Munsif Court, Ambasundram was instituted by the respondents herein seeking the relief of declaration and permanent injunction. In the said suit, the revision petitioners herein took out I.A.No.923 of 2017 for appointing an Advocate Commissioner. The court by order dated 03.07.2018 dismissed the said Interlocutory Application. Questioning the same, this Civil Revision Petition has been filed.

2. The plaintiffs have come out with the specific case that the property in question is a common pathway. The defendants denied the existence of the same. Therefore, entire burden is on the plaintiffs to prove the existence of common pathway as claimed in the plaint.



In this case, the court below has rightly come to the conclusion that there is no need or necessity for appointing an Advocate Commissioner. The identity of the property is not in dispute. Therefore, affirming the order passed by the court below, this Civil Revision Petition is dismissed. No costs. Consequently, connected C.M.P.(MD) No.7053 of 2018 is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Principal District Munsif,
Ambasamudram.

+ 1 CC TO Mr.R.J.KARTHICK, ADVOCATE IN SR No. 88757

CM

TE/RP/SAR-4 : 08/11/2018 : 2P/3C

C.R.P.(MD) No.1605 of 2018
and C.M.P.(MD) No.7053 of 2018
04.10.2018