



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) .No.1595 of 2018 and
C.M.P. (MD) No.6969 of 2018

1. C.Subbuthai
 2. C.Eswaran
 3. C.Ramaraaj
 4. C.Karuppusamy
 5. C.Muthuramu
 6. Minor Pavaani
 7. Minor Siva Eswaran
- (6&7 Petitioners appeared through their
Guardian C.Subbuthai)

... Revision Petitioners/
Petitioners/Plaintiffs

Vs .

1. Arul Thanthai
Punitha Antoniyar Alayam,
Vadapatti,
Incharge of Sivakasi Taluk,
Arul Thanthai
Punitha Antoniyar Alayam,
Puthuvai Nagar, Thiruthangal,
Sivakasi Taluk.
2. The Thasildhar,
Sivakasi Taluk,
Virudhunagar District.

3. C.Murugan
- ... Respondents/Respondents/
Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decree in I.A.No.253 of 2016 in O.S.No.84 of 2015, dated 05.04.2018 on the file of the Principal District Court, Srivilliputhur, Virudhunagar District.

For Petitioners	: Mr.S.Moorthy
For R-2	: Mr.M.Karuppasamy, Government Advocate.
For R-3	: Mr.S.T.Sasidharan Tamilkani
For R-1	: No appearance.

**ORDER**

The plaintiffs in O.S.No.84 of 2015 on the file of the Principal District Court, Srivilliputhur, are the Revision petitioners herein. It is a suit for declaration and recovery of possession and for other reliefs. In the said suit, the Revision petitioners filed I.A.No.253 of 2016 for appointing an Advocate Commissioner. The Court below by order dated 05.04.2018 dismissed the said application. The correctness of the said order is questioned in this Civil Revision petition.

2. The question of appointment of Advocate Commissioner would arise, if there is dispute regarding the identity of the property. In this case, there is no such dispute. If the Revision petitioners establish their case, the relief is going to be granted. For the said purpose, there is no need to appoint an Advocate Commissioner.

3. The reasons given by the Court below are sound and acceptable. There is no merit in this Civil Revision petition. The Civil Revision petition stands dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Principal District Judge,
Srivilliputhur, Virudhunagar District.

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

+ 1 CC TO Mr.S.T.SASIDHARAN TAMILKANI, ADVOCATE IN SR No. 87764
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 87917

PMU

TE/SKN/SAR-4 : 05/12/2018 : 2P/6C

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