



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

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CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.1822 of 2018
and
C.M.P. (MD) No.7970 of 2018

Muthuvel ... petitioner

Vs.

1.K.Sellan
2.K.Subban
3.K.Chinnakannu ... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, to call for the records of the learned District Munsif, Pattukottai, made in I.A.No.506 of 2016 in O.S.No.113 of 2015 and set aside the Fair and Decreetal order dated 3.7.2018.

For petitioners : Mr.S.Deenadhayalan

ORDER

The revision petitioner is the plaintiff. The suit in question has been filed for declaration and permanent injunction in respect of the property comprised in S.No.157/21A. The respondents herein filed I.A.No.506 of 2016 for appointing an Advocate Commissioner in respect of some developments said to have been taken place in S.No.157/16E. The Court below has allowed the said application. Questioning the same, this Civil Revision Petition has been filed.

2.I am in agreement with much of what the revision petitioner has pointed out. For instance, the Court below has observed that there is no specific objection raised in the counter statement. It is not correct. There is raising of objection. Likewise, the suit property and the property for which the I.A., has been filed are totally different. It is not known as to why the Court below chose to allow the I.A.,. But then, since, the properties are different, even if any adverse report is obtained from the Advocate Commissioner, it will not have any bearing on the suit property. The rights of the petitioner herein will not in any way be affected. On this reason, I am not interfering with the orders passed by the Court below.



3. Accordingly, this Civil Revision Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CO)

/True copy/

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Sub Assistant Registrar(CS-II)

To:

District Munsif,
Pattukottai.

+1cc to Mr.S.Deenadhayalan, Advocate, SR.No. 80374

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