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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1757 of 2018
and
C.M.P. (MD) .No.7657 of 2018

Ramanathan Chettiar
Rep by its Power Agent
Singaram, S/o.Chinnaiah Thevar

.. Petitioner/Petitioner
Plaintiff

vs.

1.A.Singaram
2.Aandi

.. Respondents/Respondents/
Defendants

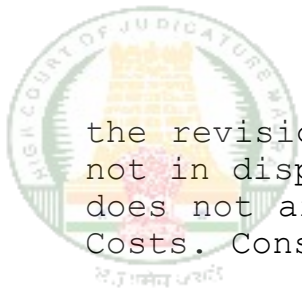
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 09.03.2018 made in I.A.No.505 of 2017 in O.S.No.153 of 2010 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam.

For Petitioner : Mr.N.Balakrishnan

ORDER

The revision petitioner is the plaintiff in O.S.No.153 of 2010 on the file of the learned District Munsif-cum-Judicial Magistrate, Thirumayam. It is a suit for permanent injunction. The petitioner seeks relief in respect of Survey No.814/2 in Ponnamaravathy west village. The defendants have filed their statement claiming that they have been in possession of the suit property as their property and the suit property is one contiguous piece. Therefore, the identity of the suit property is not really in doubt. In other words, as rightly observed by the Court below, the defendants' case is one of adverse possession. Therefore, this Court is of the view that there is no need of appointing an advocate commissioner.

2. In this case, rightly or wrongly advocate commissioner was appointed and his report was filed. The petitioner requested to re-issue the warrant to the surveyor. But, the reasons given by the Court below are sound and acceptable for negating the request of



the revision petitioner. Since the identity of the suit property is not in dispute, the question of acceding to the petitioner's request does not arise. Hence, the Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

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Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The District Munsif cum Judicial Magistrate,
Thirumayam.

+ 1 CC TO Mr.N.BALAKRISHNAN, ADVOCATE IN SR No. 79513

PJL

TE/RSK/SAR-3 : 19/09/2018 : 2P/3C

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