



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.1780 of 2018

and

C.M.P. (MD) No.7786 of 2018

1.U.Ramachandran

2.Seethalakshmi

... Petitioners/Respondents 2 & 3 /
Defendants 2 & 3

/Vs./

Ramanathan (Died)

1.Mariamammal

2.Velammal

3.Thillaivanam

4.Muniasamy

5.Govindammal

6.Kannan

7.Sathya

... Respondents 1 to 7/Petitioner 2 to 8/
Plaintiffs 2 to 8

8.Chelllasamy

9.Nagavalli

... Respondents 8 & 9/Respondents 1 & 4/
Defendants 1 & 4

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 18.06.2018 made in I.A.No.160 of 2014 in O.S.No.33 of 2014 on the file of the Sub Court, Ramanathapuram.

For Petitioner	: Mr.V.Sitharanjandas
For R-1 & R-6	: Mr.Jeyakarthick
For R-5, 8 and 9	: No appearance
For R-7	: Insufficient Address
For R-2 to R-4	: Notice sent

ORDER

The defendants 2 and 3 in O.S.No.33 of 2014 on the file of the Sub Court, Ramanathapuram are the revision petitioners herein. The suit is for declaration and permanent injunction. In the said suit, the plaintiffs filed I.A.No.160 of 2014 for appointing an Advocate Commissioner. The said IA was allowed. Questioning the same, this civil revision petition has been filed.

2. Heard the learned counsel on either side.

3. The defendants in their written statement have nowhere disputed the identity of the suit properties. Therefore, the question of appointing an Advocate Commissioner does not arise. The defendants will have to take a definite stand. They cannot



take one stand in the written statement and another stand in the counter. The Court below shall proceed on the premise that the defendants have not disputed the identity of the suit property.

4. With the above clarification, the order impugned in this civil revision petition is set aside. Accordingly, this civil revision petition is allowed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-III)

To
The Subordinate Judge, Ramanathapuram.

+1 CC To MR.V.SITHARANJANDAS, Advocate SR. NO.88234
+1 CC To MR.M.S.JEYAKARTHIK, Advocate SR. NO. 88582

Order made in
C.R.P. (MD) (PD) No.1780 of 2018

SM

TR/SKN/SAR-III (13.11.2018) 2P 4C