



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 27.08.2018  
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(PD)(MD).No.1804 of 2018  
and  
C.M.P.(MD)No.7895 of 2018

1.Sumathi  
2.Tamilselvi

... Revision Petitioners/Petitioners/  
Plaintiffs

Vs.

1.Sandhanam  
2.Ambalanathan  
3.Saravana Pandiyan  
4.Tiruppathi

...Respondents /Respondents/Defendants

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order of the Principal District Munsif, Manamadurai, dated 12.07.2018 dismissal of the I.A.No.270 of 2018 in O.S.No.133 of 2015.

For petitioners : Mr.R.Ramadurai  
For R4 : Mr.B.Senthil Kumar

### ORDER

The Revision petitioners filed O.S.No.133 of 2015 on the file of the learned Principal District Munsif, Manamadurai, seeking the relief of permanent injunction. In the said suit, I.A.No.270 of 2018 was filed for appointing an Advocate Commissioner, for the purpose of inspecting and measuring the suit property and to file a comprehensive report in the plaint. The said I.A., was dismissed by order dated 12.07.2018. The correctness of the order is questioned in this Civil Revision Petition.

2.Heard the learned counsel appearing for the revision petitioner who reiterated the grounds set out in the memorandum.

3.I am unable to agree with the contentions of the learned counsel for the petitioners. As rightly pointed out by the Court below, this is only a suit for injunction and the petitioner herein has filed the present I.A., based on an apprehension. The Court below has noted that the respondents have given an undertaking that they will not make any alteration in the physical features of the suit property. Since, the respondent has given such an undertaking, there is no need for appointing an Advocate Commissioner. The reasons made by the Court below do not warrant any interference.



4. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (Crl.side)

Sub Assistant Registrar (CS-II)

To:

1. The Principal District Munsif,  
Manamadurai.
2. The Record Keeper,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai. **(2 copies)**

+1CC to Mr.B.Senthil Kumar, Advocate, SR.No.80438

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ES/SV/SAR 2/03.10.2018/2P/5C