



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.1892 of 2018

and

C.M.P. (MD) No.8216 of 2018

1.Arulanandam
2.Singarayar
3.Chinnappadoss

...Petitioners/Petitioners/
Plaintiffs

Vs.

1.Malar Selvi
2.Manimegalai

...Respondents 1 & 2/
Respondents 1 &2/
Defendants 1 &2

3.Udaiyappan

4.The Tahsildar,
Taluk Office,
Sivagangai, Sivagangai District.

5.The District Revenue Officer,
Office of the District Revenue Officer,
District Collector's Campus,
Sivagangai.

6.The Government of Tamil Nadu,
Represented by its District Collector,
District Collector,
Sivagangai.

...Respondents 3 to 6/
Respondents 3 to 6/
Defendants 3 to 6

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decreetal order dated 20.07.2018 and made in I.A.No.253 of 2018 in O.S.No.47 of 2017 on the file of the District Munsif Court, Sivagangai, set aside the same and allow the civil revision petition.

**ORDER**

The plaintiffs in O.S.No.47 of 2017 on the file of the District Munsif Court, Sivagangai, are the revision petitioners herein. It is a suit for declaration, permanent injunction and other reliefs. In the said suit, the revision petitioners filed I.A.No.253 of 2018 for appointment of an Advocate Commissioner for inspecting the suit property and for noting down the physical features and to file a report.

2. Admittedly, there is no dispute regarding the identity of the suit property. Of course, the learned counsel appearing for the revision petitioners submits that the presence of the cemetery, shed and trees on the suit property have been disputed. But the main relief sought for by the revision petitioners is declaration over the suit property. Therefore, the revision petitioners have to prove their title. The Court below, rightly took the view that appointment of an Advocate Commissioner is not going to aid process of adjudication in any manner. The order passed by the Court below in I.A.No.253 of 2018 in O.S.No.47 of 2017 does not warrant any interference. Accordingly, the civil revision petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS-III)

To

- 1.The District Munsif,
Sivagangai.
- 2.The Tahsildar,
Taluk Officer,
Sivagangai, Sivagangai District.
- 3.The District Revenue Officer,
O/o The District Revenue Officer,
District Collector's Campus,
Sivagangai.
- 4.The District Collector,
Sivagangai.



+ 1 CC TO MR.S.SRINIVASA RAGHAVAN, ADVOCATE IN SR NO.82003

SM

BU/RP/SAR-III :10.10.2018 : 3P/6C

Order made in
C.R.P. (MD) (PD) No.1892 of 2018
03.09.2018