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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.09.2018
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) .No.1906 of 2018 and
C.M.P. (MD) No.8296 of 2018

Kaliammal @ Chellammal (died)

Boomathi
(through her husband &
Power Agent
S.Muthusamy)

... Petitioner/2nd Petitioner/
2nd Plaintiff

Vs.

1. AR. Ramanathan Chettiar
2. AR.Lakshmanan Chettiar
3. VR.Ramanathan
4. Ganapathy

... Respondents/Respondents/
Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in I.A.No.101 of 2018 in O.S.No.26 of 2015 on the file of the learned Subordinate Judge, Devakottai and set aside the fair and decreetal order made therein dated 28.06.2018.

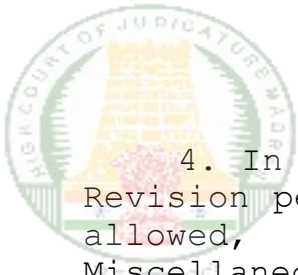
For Petitioners : Ms.P.Kalaiyarasibharathi
For Respondents : No appearance.

ORDER

The second plaintiff in O.S.No.26 of 2015 on the file of the Subordinate Court, Devakottai, is the Revision petitioner herein. The suit is one for declaration and permanent injunction. The Revision petitioner applied for appointment of an Advocate Commissioner. The same was dismissed by the impugned order. Questioning the same, this Civil Revision petition has been filed.

2. Though the respondents have been served and their names are also printed in the cause list, they have not chosen to appear either in person or through counsel.

3. It is seen that the identity of property is in dispute. The learned counsel appearing for the Revision petitioner took me through the averments set out in paragraph No.20 of the written statement. Since the identity of the property is disputed, the Court below ought to have appointed the Advocate Commissioner as sought for.



4. In this view of the matter, the order impugned in this Civil Revision petition is set aside. The Civil Revision petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Subordinate Judge,
Devakottai.

+1CC to Ms.P.Kalaiyarasibharathi, Advocate, SR.No.86339

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PMU

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