



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.2080 of 2018
and
C.M.P. (MD) No.9194 of 2018

1.A.Pandiyan @ Pandiyarajan
2.A.Vinoth @ Vinoth Kumar

... Petitioners/Respondents/
Defendants

-Vs-

Maduraiveeran

... Respondent/Petitioner/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decree made in I.A.No.612 of 2016 in O.S.No.776 of 2016 dated 27.03.2018 on the file of the Principal Subordinate Court, Madurai.

For Petitioners : Mr.M.Thirunavukkarasu

ORDER

The revision petitioners are the defendants in O.S.No.776 of 2016 on the file of the Principal Subordinate Court, Madurai. It is a suit for declaration, mandatory injunction and permanent injunction. In the said suit, the plaintiffs filed I.A.No.612 of 2016 for appointing an Advocate Commissioner and the same was allowed. Questioning the same, this Civil Revision Petition has been filed.

2.This Court notes that in Paragraph No.9 of the written statement, the revision petitioners have taken a specific stand that there is no clear and detailed description of properties. Inasmuch as there is a doubt regarding the identity of the suit property, the Court below was justified in allowing I.A.No.612 of 2016. No case has been made out to interfere. It is needless to mention that the plaintiff will have to succeed on the strength of his case and the report of the Advocate Commissioner cannot in any way strengthen his claim.



3. In this view of the matter, 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

The Principal Subordinate Judge,
Madurai.

+1CC to Mr. M. Thirunavukkarasu, Advocate, SR.No.85930

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MYR

ES/SKN/RSK/SAR 2/17.10.2018/2P/3C