



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.2215 of 2018 (PD)  
and  
CMP(MD) No.9956 of 2018

P.Muthuraman

... Petitioner

Vs.

1.V.Mahamani

2.P.Duraipandi

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 25.07.2018 passed in I.A No.119 of 2018 in O.S No.716 of 2012 on the file of the I Additional Sub Court, Madurai (Camp Melur).

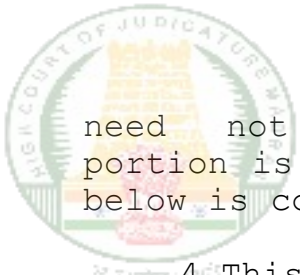
For Petitioner : Mr.M.Kannan

#### ORDER

The petitioner is figuring as the second defendant in O.S No.716 of 2012 on the file of the I Additional Sub Court, Madurai (Camp Melur). It is a suit for declaration and permanent injunction. The petitioner herein filed I.A No.119 of 2018 for appointment of an Advocate Commissioner. The court below by order dated 25.07.2018 dismissed the said I.A. Questioning the same, this civil revision petition has been filed.

2.The learned counsel appearing for the revision petitioner reiterated the grounds set out in the memorandum. I am unable to agree with the submission of the learned counsel appearing for the revision petitioner. It may true that there is a dispute regarding the identity of the suit property. But then, there is absolutely no justification in filing such an application almost 6 years after the institution of the suit.

3.The court below has given convincing reasons as to why the plea of the revision petitioner cannot be accepted. The trial had substantially progressed and P.W.1 has been cross examined. Therefore, the question of filing such an application at this stage does not arise. The order passed by the trial court does not call for any interference. There is no merit in this civil revision petition. However, this Court is of the view that the court below



need not have imposed the cost of Rs.3,000/-. Hence, the cost portion is deleted. Excepting this, the order passed by the court below is confirmed.

4. This Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-  
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR(CS-III)

To

The I Additional Sub Court, Madurai (Camp Melur).

+1 CC TO MR.M.KANNAN ADVOCATE IN SR.NO.89829.

SKM

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