



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 10.10.2018  
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

CRP (PD) (MD) Nos.2260 & 2261 of 2018  
and  
CMP(MD)No.10141 of 2018

Saint Sebastiar Church  
Muthalagupatti,  
through its Trustee  
Village Nattamai  
William Jeyabal

... Petitioner/Petitioner/Plaintiff  
in both petitions

Vs.

Jebamanickam

... Respondent/ Respondent/Defendant  
in both cases

Prayer : These Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal orders passed in I.A Nos.1747 and 1748 of 2017 in O.S No.198 of 2009 on the file of the Additional District Munsif, Dindigul dated 04.06.2018.

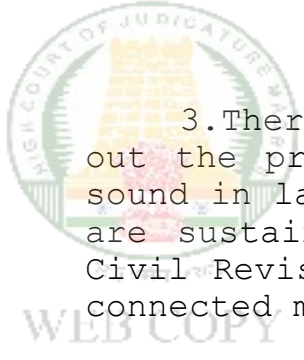
In both petitions :

For Petitioner : Mr.K.K.Ramakrishnan  
For Respondent : Mr.D.Venkatesh

### ORDER

The plaintiff in O.S No.198 of 2009 on the file of the Additional District Munsif Court, Dindigul is the revision petitioner herein in both these civil revision petitions. The suit is one for permanent injunction and mandatory injunction.

2.The allegation of the revision petitioner is that the defendant has committed encroachment. An Advocate Commissioner was appointed. He submitted his report way back in the year 2010. The learned counsel for the plaintiff specifically stated that they do not have any objection to the Commissioner's report. After trial got concluded and the matter was posted for arguments, the present applications were taken out. The court below observed that the commissioner has given specific details regarding the encroachment in his report.



3. Therefore, there is absolutely no justification for taking out the present I.As. The reasons given by the court below are sound in law. The order impugned in these civil revision petitions are sustained. They do not warrant any interference. These Civil Revision Petitions stand dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-  
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Additional District Munsif,  
Dindigul.

+1CC to Mr.D.Venkatesh, Advocate, SR.No.90065

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ES/SKN/RSK/SAR 2/04.12.2018/2P/3C