



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

C.R.P. (PD) . (MD) No.1038 of 2013

and

M.P. (MD) No.1 of 2013

A.Abdul Lathief

...Petitioner/Plaintiff

Vs.

A.Jegadeesan

... Respondent/Defendants

Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal order dated 22.03.2013 in I.A.No.382 of 2012 in O.S.No.177 of 2007 on the file of the learned Additional District Munsif, Lalgudi.

For Petitioner

: Mr.P.Thiagarajan

For Respondent

: Mrs.J.Maria Roseline

ORDER

The petitioner/plaintiff in a suit for permanent injunction and mandatory injunction has filed a petition to reissue the Commissioner Warrant to the very same Commissioner who has already been appointed and filed his report to carry out the exercise of measuring the properties of the plaintiff and defendant. The said application was rejected. Challenging the same, this Civil Revision Petition has been filed.

2.This Court does not find any merit in this petition. In the case where the petitioner has sought for mandatory injunction, it is for the plaintiff to adduce evidence to establish his case. He cannot cull out evidence by appointing advocate commissioner, in a case where there was already an advocate commissioner was appointed and he has also filed a report. Hence, this Court does not find any merit in the Civil Miscellaneous Petition and the same is liable to be dismissed.

3.Accordingly, this Civil Revision Petition is dismissed. No Costs. Consequently, connected M.P.(MD) No.1 of 2013 is also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-IV)



To

The Additional District Munsif,
Lalgudi.

+1cc to Mrs.J.Maria Roseline, Advocate Sr.No.85454

+1cc to Mr.P.Thiagarajan, Advocate Sr.No.85557

sj

VB/SKN/SAR4/26.10.2018/2P/4C

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