

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2019

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRP PD No.2140 of 2012

Sellammal

... Petitioner

Vs.

1. Mottaiyappan
2. Saraswathi
3. Balu
4. Sakthivel
5. Pappayee
6. Velusamy
7. Kaliappan

... Respondents

Prayer : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the orders dated 20.10.2011 passed in R.E.P.No.197 of 2006 in O.S.No.378 of 2001 by the Additional District Munsif, Namakkal.

For Revision Petitioner : M/s T.Dhanyakumar
For Respondent No.1 to 4 : M/s S.Uma Maheswari
For Respondent No. 5 & 6 : No appearance
CRP against 7th respondent : Given up.

ORDER

This revision petition has been filed against the order passed by the trial court, dismissing the application filed to appoint an advocate commissioner to install a new motor pump to the common well.

2. Heard both sides.

3. The petitioner is the plaintiff in the original suit and he has filed the suit against the respondents for permanent injunction restraining them from interfering or obstructing the petitioner from repairing the electric motor pumps and for sharing the expenses incurred to the repair works by both parties. The suit was decreed directing both parties to bear the expenses incurred to the repair work of electric motor pump, proportionately and also there should not be any disturbance by other side for such repair work.

4. While executing the above decree, the petitioner has filed an application to appoint an advocate commissioner to install a new motor pump in the place of old pump, alleging that the old motor pump was

taken away by the respondents. The trial court dismissed the said application, against which the present revision petition has been filed.

5. It is admitted by both sides that, with regard to the installation of a new motor pump, the petitioner has filed a fresh suit in O.S.No.532 of 2005 and the same is pending. In view of the above, I am of the view that nothing survives for further adjudication in this revision petition.

6. In the result,

(i) The Civil Revision Petition is dismissed. No costs. The orders passed by the trial court is confirmed.

(ii) The parties are at liberty to raise their contentions in O.S.No.532 of 2005.

सत्यमेव जयते

18.03.2019

Index : yes/no
Internet : yes/no
Speaking order/non-speaking order
mst

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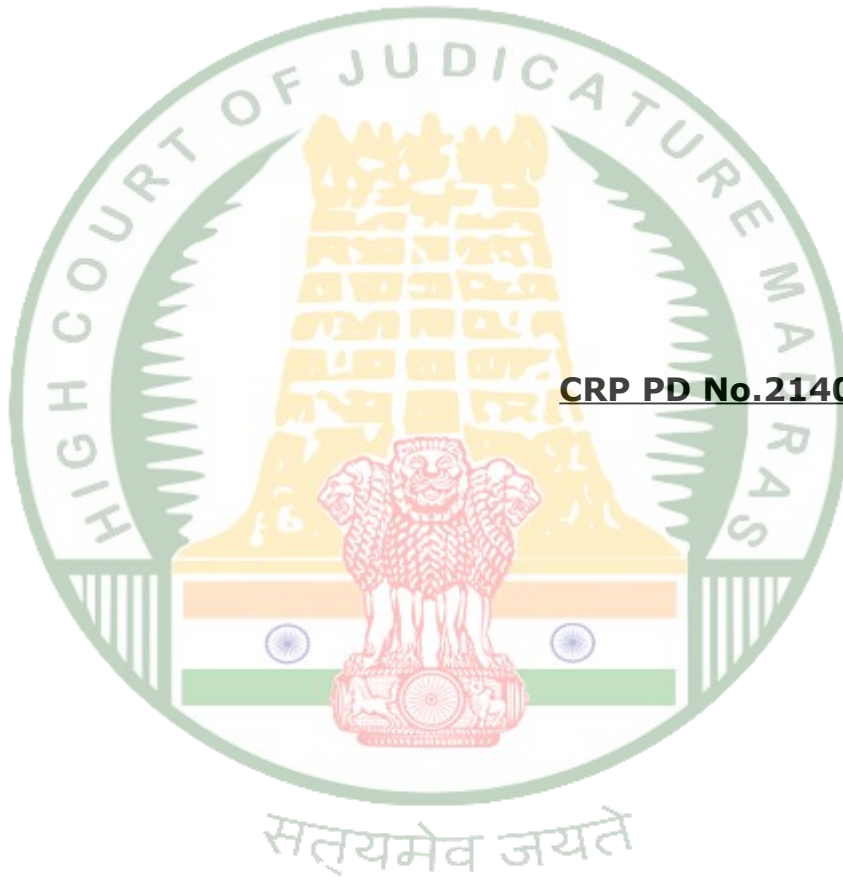
To

The Additional District Munsif, Namakkal.



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N.SATHISH KUMAR, J.
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