

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)Nos.2300 & 2301 of 2019

and

CMP.Nos.14993 & 14994 of 2019

Arul

... Petitioner in both the petitions

Vs.

1.Vanitha

... Respondent in
CRP.No.2300/2019

2.Dhanalakshmi

... Respondent in
CRP.No.2301/2019

Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India against the fair and final order dated 04.04.2019 passed in I.A.Nos.318 & 317 of 2019 in O.S.Nos.300 & 299 of 2013 respectively on the file of the Principal District Munsif, Thiruvannamalai.

For Petitioner : Mr.K.Semmalai

COMMON ORDER

The petitioner is the 3rd defendant in both the suits. The respondents/plaintiffs filed a suit in OS.Nos.300 & 299 of 2013 respectively for injunction restraining the petitioner/3rd defendant therein

from interfering with the peaceful possession and enjoyment of the suit property. According to the petitioner, the suit property is Pathai poromboke and that the defendants are enjoying the suit property for transporting the materials. The Revenue Authority has granted patta in favour of the respondents/plaintiffs, contrary to the order issued by the Government. Therefore, it is contended that to establish their possession and enjoyment, appointment of an Advocate Commissioner is very much essential. However, the Trial Court has rightly found that in a suit for injunction, an Advocate Commissioner cannot be appointed to prove possession of the property. Therefore, the right decision taken up by the trial Court does not warrant any interference.

2. These Civil Revision Petitions merits no consideration and accordingly stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

18.07.2019

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Index:Yes/No
Internet:Yes/No
Speaking Order/Non Speaking Order

To

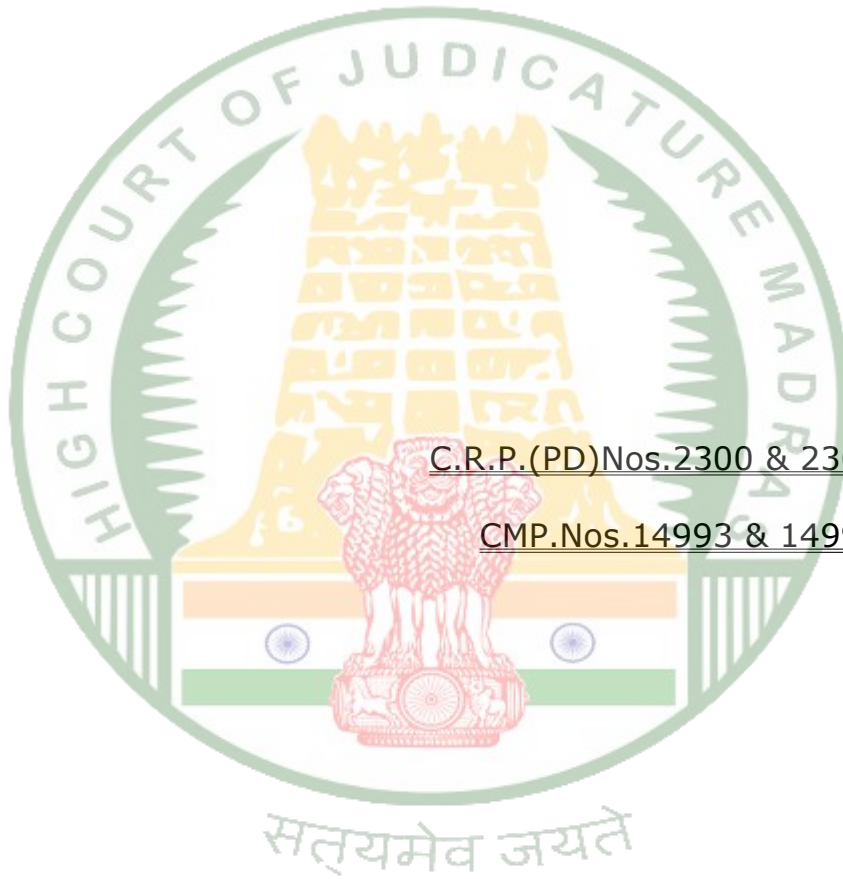
The Principal District Munsif,
Thiruvannamalai.



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M. GOVINDARAJ, J.

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