



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P(MD)No.686 of 2007

1.Thirunarayanan (died)
2.Dhanalakshmi
3.T.Manimekalai
4.T.Seethalakshmi ... Petitioners

(Petitioners 2 to 4 are brought on record as LRs of the deceased sole petitioner vide Court order dated 01.04.2019 made in C.M.P(MD) Nos.8605 and 8606 of 2017)

Vs.

1.Arjunan
2.Perumal
3.Thirumal
4.Venkatesan
5.Guruvayurappan (died)
6.Selvarengan
7.Manimegalai
8.Rajeshwari
9.Packialakshmi
10.Saraswathiammal
11.G.Rajeswari
12.Minor Rajapandi
13.Minor Soniya

(Respondents 12 and 13 are rep. by their next friend and natural guardian, 11th respondent vide Court order dated 30.07.2019 made in M.P(MD)No.2 of 2012)

... Respondents

(Respondents 11 to 13 are brought on record as LRs of the deceased 5th respondent vide Court order dated 30.07.2019 made in M.P(MD) Nos. 1 and 2 of 2012)

PRAYER:- Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the Fair and Decreetal order passed in I.A.No.730 of 2005 in O.S.No.336 of 2005 on the file of the District Munsif Court, Tirumangalam, dated 22.01.2007.



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For Petitioners : Mr.G.Aravindan
For R2 and R-4 : Mr.M.Divakaran
For R-1, R-3 and
R-6 to 13 : No appearance

ORDER

The above Civil Revision Petition has been filed challenging the dismissal of I.A.No.730 of 2005 filed for appointment of Advocate Commissioner to ascertain the *mesne* profits realised by the first defendant in the petition mentioned properties.

2.The said application had been defended by the respondents stating that there was no decree for *mesne* profits granted in the suit in O.S.No.336 of 2005 by the District Munsif Court, Tirumangalam. The learned District Munsif, Tirumangalam, by its order dated 22.01.2007 was pleased to dismiss the application on the very same ground that there was no decree for *mesne* profits granted in the preliminary decree dated 28.09.1979. Challenging the said order, the revision petition is before this Court.

3.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 2 and 4 and perused the papers.

4.A perusal of the order of the learned District Munsif, Tirumangalam, would clearly indicate that the learned Judge has not passed any decree whatsoever for *mesne* profits. Considering the above fact , I do not find any infirmity in the order passed by the Court below.

5.In view of the above, this Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

cp



To

The District Munsif,
Tirumangalam.

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+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-95496[F] dated
01/11/2019)

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