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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

C.R.P. (PD) (MD) No. 1849 of 2013

and

M.P (MD) No. 1 of 2013

1. R. Ramasamy
2. S. Muneeswari

.. Petitioners

-vs-

I. Paulchamy

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 14.08.2013 passed in I.A.No.8 of 2013 in O.S.No.53 of 2010 on the file of the District Munsif Court, Sattur.

For Petitioners	:	Mr. J. Lawrence
For Respondent	:	Mr. V. Sasikumar for Mr. V. Venkaatasamy

ORDER

The petitioners are plaintiffs in a suit for declaration and for permanent injunction. Pending suit, the petitioners had filed an application for appointment of Advocate Commissioner for measuring the suit property. The said application was rejected by the trial Court by taking note of the fact that there is no necessity for appointing an Advocate Commissioner to measure the suit property, since the defendants in the written statement have not disputed the extent, boundaries and possession of the suit property in the hands of the plaintiffs. Therefore, the trial Court found that appointment of Advocate Commissioner is wholly unnecessary.

2. I find that such order does not require any interference, as the other merits of the matter and the contention of the parties have to be agitated before the trial Court in the main suit.

3. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //



To

The District Munsif, Sattur.
Tiruchirapalli.

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+1CC to Mr.J.Lawrance, Advocate, S.R.No.68714.

+1CC to Mr.V.Susi Kumar, Advocate, S.R.No.68811.

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and
M.P (MD) No. 1 of 2013
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CS: (01/07/2019) 2P 4C