

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.(PD).No.3840 of 2014

and

MP.No.1 of 2014

1.N.Mariappan
2.M.Gunasekaran
3.M.Eswaramurthy

... Petitioners

Versus

1.S.Balasubramanian
2.R.M.Mathivanan

... Respondents

Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the fair and decreetal orders passed by the II-Additional District Munsif Court, Coimbatore in I.A.No.79 of 2013 in O.s.No.2919 of 2006 dated 25.06.2014.

For petitioner : Mr.E.K.Kumaresan

For Respondents : Mr.M.Sriram (for R1)
: No Appearance (for R2)

ORDER

This Civil Revision Petition is filed against the order dated 25.06.2014 passed in I.A.No.79 of 2013 in O.S.No.2919 of 2006 on the file of the II-Additional District Munsif Court, Coimbatore

2.The petitioners herein are the plaintiffs in the original suit, filed the above suit for relief of Permanent Injunction and Mandatroy Injunction.

3.Pending suit, they have filed an application in I.A.No.2364 of 2006 under Order XXVI and Rule 9 r/w 151 of CPC, for appointment of an Advocate Commissioner to inspect the suit property and note down the physical features of the suit property. Since certain papers were missing at that time of trial, the plaintiffs again filed an application in I.A.No.79 of 2013 seeking for appointment of an Advocate Commissioner to note down the physical features in and around the suit schedule properties and to measure the same with the assistance of the Taluk Surveyor and to file a detailed report and plan and the same was dismissed on 25.06.2016 held that the trial is under progress.

4.After hearing both sides, it is seen that the originally the application in I.A.No.2364 of 2006 filed along with original suit which is still pending. Therefore, without going into the merits of the case, the Civil Revision Petition is dismissed with liberty to the plaintiffs/petitioners to workout their remedy in respect of the application in I.A.No.2364 of 2006 and both the parties are required to give necessary typed set of papers for reconstruction of the

application in I.A.No.2364 of 2006. The Trial Court is directed to consider the above said interlocutory application and to pass appropriate orders in accordance with law.

5.With this liberty, the Trial Court is directed to dispose of the application in I.A.No.2364 of 2006 including the plea raised by the defendants/respondents in the counter.

6.Thus, the Civil Revision Petition is dismissed with the above direction. No Costs. Consequently, the connected miscellaneous petition is closed.

02.01.2020

Index : yes/no
Internet : yes/no
Speaking/Non-Speaking order

klr

To

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The II-Additional District Munsif Court, Coimbatore.

RMT.TEEKAA RAMAN,J.,

klt



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