



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (MD) No. 764 of 2020

and C.M.P (MD) No.5109 of 2020

WEB COPY

T.Gurusamy

... Petitioner/Respondent/Plaintiff

Vs.

S.Veyilu Muthu

...Respondent /Petitioner/Defendant

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in I.A.No. 4 of 2019 in O.S.No.390 of 2019 on the file of the learned Principal District Munsif, Tenkasi and set aside the above fair and decreetal order dated 02.03.2020.

For Petitioner : Mr.Ananth C.Rajesh

ORDER

This revision is filed by the plaintiff challenging an order of the trial court appointing a Commission for local inspection by the trial court.

2. The plaintiff has laid the suit for bare injunction and there are three schedules of property. The schedule description of the first schedule of property shows that the defendant's property is on the south.

3.The defendant has moved I.A.No. 4 of 2019 for appointing a Commission in which he has indicated existence of a vacant space in front of his house in the schedule description. This was allowed.

4. The learned counsel for the revision petitioner would submit that the defendant cannot unilaterally amend the boundary description in the plaint and the respondent/defendant has admitted the boundary description in I.A.No. 4 of 2019 and this has to be rectified.

5.This Court carefully perused the pleadings. The schedule of property is provided in I.A.No.4 of 2019. After carefully considering the nature of the suit and the order passed in I.A.No. 4 of 2019, this Court does not consider that there exists any merit in the case. However, the plaintiff wants to appoint a Commission to note down any other points, he may be at liberty to file a necessary memo before the trial court. The trial court may direct the Commissioner to file a report at the bounds so filed.



6. With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

CM

To

1.The Principal District Munsif,
Tenkasi.

+1 CC to M/s.ANANTH C. RAJESH, Advocate (SR-20234[F] dated
15/10/2020)

C.R.P. (PD) (MD)No.764 of 2020
and C.M.P (MD) No.5109 of 2020

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ARK(CO)

NR (11/11/2020) 2P : 3C