



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.03.2020

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

C.R.P. (PD) (MD) No. 761 of 2014

and

M.P. (MD) No. 1 of 2014

WEB COPY

1.Kaliappan
2.Vasanthi
3.Ananthaganapathy
4.Bagavathy

.. Petitioners /Petitioners 1,3-5
/Defendants 1, 3-5
Vs.

Seethalakshmi (Died)
2.Lakshmanan
3.Ramasamy
4.Rajamathangan
5.Sivakami

.. Respondents/Respondents / Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and decreetal order dated 06.01.2014 made in I.A.No.141 of 2013 in O.S.No.8 of 2010, on the file of the learned District Munsif, Thiruchendur.

For Petitioners : Mr.R.J.Karthik
for Mr.R.Subramanian
For Respondents : Mr.D.Venkatesh
for R.2 to R.5

ORDER

O.S.No.8 of 2010 is filed by the respondents / plaintiffs as against the petitioners / defendants for a declaration and permanent injunction insofar as the suit property is concerned. Pending the suit, the petitioners / defendants have filed an interlocutory application in I.A.No.141 of 2013 to appoint an Advocate Commissioner to ascertain the physical features of the subject property. The trial Court, vide order dated 06.01.2014, dismissed the interlocutory application and as against the same, the petitioners / defendants have filed the instant civil revision petition.

2. Heard the learned Counsel appearing for the respective parties.

3. It appears, the trial Court has dismissed the petition that the Commissioner application cannot be utilised for collecting evidence. Moreover, in the present case the suit is pending at the stage of defendants side arguments and the petitioners have now come forward with the present application to fill up the lacuna at this stage. This Court does not find any reason to interfere with the impugned order and the same is accordingly, confirmed.



4. In the result, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)

gk

To
The District Munsif,
Thiruchendur.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-11525[F]

+1 CC to M/s.D.VENKATESH, Advocate (SR-11774[F] dated 16/03/2020)

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SMA/06/05/2020/2P/4C