



C.R.P.(PD).No.2599 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(PD).No.2599 of 2021

and

C.M.P.No.19299 of 2021

1.Malarkodi

2.Ranganayaki

.. Petitioners

Vs.

1.Selvarasu

2.Selvakumar

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair order and decreetal order dated 29.04.2021 in I.A.No.203 of 2020 in O.S.No.139 of 2020 on the file of the Principal District Munsif, Vriddhachalam, Cuddalore District and allow the present Civil Revision Petition.

For Petitioners : Mrs.AL.Ganthimathi



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ORDER

WEB COPY The plaintiffs in the suit for declaration and recovery of possession are on Revision, challenging the order dismissing their application for appointment of Commissioner to note down the physical features of the property.

2. As already stated the suit is one for declaration of title and recovery of possession. While the plaintiffs claim under the grant by the Government the defendants set up title under various sale deeds which were executed by the persons who were actually entitled to the property.

3. The essential question to be decided in the suit is one of title, the physical features of the property or existence of construction or otherwise in the suit property may not be germane to the resolution of the actual dispute in the suit. The trial Court examined the request of the plaintiffs and had come to the conclusion that the Commissioner's report is not required to resolve the dispute that had arisen in the suit.



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4. I do not see any reason to interfere with the findings of the trial Court. Considering the nature of the suit and the pleadings of the parties, I am sure that the Commissioner's report is not going to be of any help to the Court to decide the suit.

5. Hence, I do not find any reason to interfere with the order of the trial Court. Therefore, the Civil Revision Petition fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

30.11.2021

dsa

Internet :Yes

Index : No

Speaking order

To

The Principal District Munsif,
Vriddhachalam, Cuddalore District.

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R.SUBRAMANIAN, J.

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