



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE **R. SUBRAMANIAN**

C.R.P.(PD) (MD)No.2487 of 2010

1.Dhandapaani (Died)
2.D.Susila
3.S.Vijayalakshmi
4.K.Manjula Devi
5.D.Balachandran : Petitioners/Petitioner/Plaintiff

Vs.

1.K.Natarajan
2.K.Palanichamy : Respondents/Respondents/Defendants

(P2 to P5 were brought on record as legal heirs of the deceased first petitioner vide order of this Court in C.M.P.(MD)Nos.8790 to 8792 of 2019, dated 30.09.2019)

PRAYER:- Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.675 of 2010 in O.S.No.324 of 2007, dated 23.08.2010 on the file of the Additional District Munsif Court, Karur.

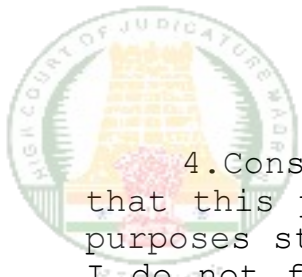
For Petitioners :Mr.K.K.Ramakrishnan
For Respondents :No Appearance

ORDER

The Revision Petition is filed by the plaintiff in O.S.No.324 of 2007 on the file of the Additional District Munsif Court, Karur.

2.The order challenged is one rejecting an application for appointment of a Commissioner to inspect the suit survey field and measure the same with the help of a qualified Surveyor to find out how much extent is available in the suit survey filed.

3.A reading of the prayer in the petition itself would demonstrate that such a petition cannot be maintained in a suit for partition. The only question that is to be determined in a suit for partition is regarding the quantum of share. The availability or otherwise of the suit property need not be or shall not be gone into at the preliminary decree stage. Those questions can be decided only at the time of final decree.



4.Considering the nature and scope of the suit, I am convinced that this petition for appointment of Advocate Commissioner for the purposes stated above is beyond the scope of the suit and therefore, I do not find any material irregularity or illegality in the order passed by the trial Court dismissing the application. The Civil Revision Petition, therefore, fails and accordingly it is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Additional District Munsif, Karur.

2.The Section Officer, (2 copies)

V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

C.R.P. (MD)No.2487 of 2010

02.02.2021

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