



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRP PD(MD).No.676 of 2021
and C.M.P(MD).No.3711 of 2021

WEB COPY

Mary Pushba Bai : Petitioner/Petitioner/Plaintiff
Vs.

1.Vijayakumar

2.Anisha Kumari

3.Savarimuthu

4.Selvam

5.The Junior Engineer,
Tamil Nadu Electricity Board and
Distribution Limited,
Karungal, Karungal Post,
Kanyakumari District.

6.Jeyakumar : Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the Fair and Decreetal order passed by the learned Sub-ordinate Judge, Padmanabapuram in I.A.No.1 of 2019 in O.S.No.150 of 2018 dated 03.11.2020 and set aside the same.

For Petitioner : Mr.K.P.Narayanakumar

O R D E R

This revision is directed against the order passed in I.A.No. 1 of 2019 in O.S.No.150 of 2018, dated 03.11.2020 on the file of the Sub Court, Padmanabhapuram, dismissing the Commission application.

2. The revision petitioner is the plaintiff and he filed the suit claiming declarative reliefs in respect of the validity of the documents, permanent injunction and for mandatory injunction. During the pendency of the suit, she filed a petition for appointment of Commissioner and in the affidavit filed in support of the Commission petition, she has reiterated the plaint contentions and in paragraph 19, she has mentioned the purpose for which the Commission petition was filed and whereunder, it is stated that since the defendants are planning to trespass into the property and



to steal the machineries available therein and that the petitioner is apprehending that the defendants and their men may damage the properties available therein.

3. The learned Subordinate Judge, by observing that the appointment of Commissioner is not necessary to elucidate the dispute, as the relief sought for in the plaint and the dispute between the parties can be proved through oral and documentary evidence, dismissed the petition.

4. As already pointed out, the petitioner has not shown any reason or ground warranting the appointment of Commissioner. Hence, the decision of the learned Subordinate Judge, Padmanabhapuram, in dismissing the Commission Petition, cannot be found fault with. Consequently, this Court decides that the revision is devoid of merits and the same is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

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/ /2021

Sub Assistant Registrar(CS)

trp

To

The Sub-ordinate Judge, Padmanabapuram.

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MJ(CO)

TR(27.07.2021) 2P 2C