



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/06/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRP(MD). No.893 of 2021

Rajendran

...Petitioner/Petitioner/Plaintiff

Vs

Murugesan

... Respondent/Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decree passed dated 15.02.2021 made in I.A.No.79 of 2019 in O.S.No.180 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Thiruvidaimarudur Thanjavur District and allow this Civil Revision Petition.

For Petitioner : M/s.G.Gomathi Sankar

ORDER

This Civil Revision Petition is directed against the order passed in I.A.No.79 of 2019 in O.S.No.180 of 2019 dated 15.02.2021 on the file of the District Munsif Cum Judicial Magistrate, Thirividaimarudur.

2. The Revision Petitioner is the plaintiff and he has filed the suit alleging that he being the coparcener has right to redeem the suit property from the respondent/ defendant, which was allegedly mortgaged by the plaintiff's paternal uncle's son Boopalan.

3. The revision petitioner has filed the application in I.A.No.79 of 2019 under Order 40 Rule 1 CPC., for appointing a receiver to manage the suit property.

4. The respondent in his written statement has taken a specific stand disputing the title and right of the plaintiff over the suit property. Moreover, as rightly observed by the learned trial Judge, the title to the suit property has to be gone into, at the main trial. Since the petitioner has not shown any valid reason or ground for appointing a receiver, the decision of the trial Court in dismissing the petition, cannot be found fault with and consequently, this Court is not inclined to admit the revision.



5. In the result, the Civil Revision Petition stands dismissed.
No costs.

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Sd/-

Assistant Registrar (CS-III)

/ /2021

Sub Assistant Registrar(CS)

kmm

To:

The District Munsif Cum Judicial Magistrate,
Thiruvidai marudur.
Thanjavur District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate
(SR 19453[F] dated 17/06/2021)

C.R.P. (MD) No.893 of 2021

17.06.2021

CN (30.06.2021) 2P 3C