



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.09.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) .No.1553 of 2019

and

C.M.P (MD) No.8233 of 2019

1. D.Balasubramanian
S/o. V.Duraisamy Chettiar,
No.159-C, Kamarajar Salai,
Madurai - 625 009.

On his own behalf and on behalf of
Nagalapuram Vaniga Chettiargal
Nandhavanam Pillaiyar Koil Public,
Charitable Trust, Nagalapuram in the
representative capacity.

... Petitioner

-VS-

1. M.Maiammal
2. M.Sethuraman
3. B.Alagammal
4. M.Ramalingam
5. N.Seethalakshmi
6. N.Seenivasan

... Respondents

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order made in I.A.No.158/2018 in O.S.No.115 of 2015 dated 06.07.2019 on the file of the Subordinate Judge, Kovilpatti.

For Petitioner : Mr.A.R.Sethupathy

For Respondents : Mr.R.Devaraj

O R D E R

This Civil Revision Petition has been filed seeking a direction to set aside the order made in I.A.No.158/2018 in O.S.No.115 of 2015, dated 06.07.2019, on the file of the learned Subordinate Judge, Kovilpatti.



2. Heard Mr.A.R.Sethupathy, learned counsel appearing for the petitioner and Mr.R.Devaraj, learned counsel appearing for the respondents.

3. The petitioner/plaintiff has filed a Suit in O.S.No.115 of 2015, on the file of the learned Subordinate Judge, Kovilpatti, for declaration and permanent injunction. The suit schedule is also a vacant site. The application in I.A.No.158 of 2018 filed for appointment Advocate Commissioner, which was dismissed on 06.07.2019.

4. Admittedly, the property is only a vacant site. The petitioner cannot seek appointment of Advocate Commissioner, since there is no dispute regarding the measurements of the property. The dispute is only ownership and possession of the property, which could be decided on the basis of the documentary and oral evidence let before the Court during trial. Considering those aspects, the learned Subordinate Judge, Kovilpatti, has rightly dismissed the petition filed by the petitioner and this Court has no valid reason to interfere with the order passed in I.A.No.158 of 2018 in O.S.No.115 of 2015, dated 06.07.2019, by the learned Subordinate Judge, Kovilpatti.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Subordinate Judge,
Kovilpatti.



2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.DEVARAJ, Advocate (SR-29649[F] dated 20/09/2021)

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