



WEB COPY

C.R.P. (PD) No.379 of 2022
and C.M.P. No.1960 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.379 of 2022
and C.M.P. No.1960 of 2022

1.C.Ramareddy
2.C.Ananda Reddy
3.Manjunatha Reddy
4.C.Ragunatha Reddy
5.C.Dhanapal Reddy

...

Petitioners /
Defendants 2 to 6

versus

1.P.T.Munichikkanna Reddy
2.P.C.Rajagopal Reddy
3.M.Krishna Reddy
4.M.Radhakrishna Reddy
5.M.Nagarajulu
6.M.Devendra
7.M.Shyla

...

Respondents /
Plaintiffs

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 02.12.2021 passed in I.A.No.6 of 2021 in O.S.No.158 of 2012 on the file of the learned Additional Sub Judge, Hosur.



WEB COPY



For Petitioners : Mr.R.Thanjan

For Respondents : Mr.J.Nandagopal

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Additional Sub Judge, Hosur dated 02.12.2021 made in I.A.No.6 of 2021 in O.S.No.158 of 2012.

2. The revision petitioners are the defendants 2 to 6 in the suit, which was filed by the respondents / plaintiffs for the relief of declaration and permanent injunction. Pending suit, the petition in I.A.No.6 of 2021 was filed for the appointment of Commissioner and the same was allowed. Aggrieved over that, the petitioners have filed this Civil Revision Petition.

3. The learned counsel for the petitioners submitted that the appointment of Commissioner is unnecessary for the purpose of collecting evidence; instead of proving the case on its merits, the respondents /



plaintiffs had attempted to seek for the appointment of Commissioner and hence the impugned order should be reversed.

4. The learned counsel for the respondents submitted that during the pendency of the case, *status quo* order has been passed but the same was violated by cutting down eucalyptus trees and damages caused in the suit properties; only in order to note down the same, the appointment of the Commissioner was sought and the petition was allowed and hence, it does not require interference.

5. On perusal of records and the order of the learned trial Judge, it is seen that in I.A.No.536 of 2012 an order of *status quo* was passed on 12.12.2012 by directing the parties to maintain *status quo* till the disposal of the suit. The allegation of the respondents / plaintiffs is that, despite the order was pending, the revision petitioners / defendants had cut down eucalyptus trees in the suit properties and changed the features and only in order to assess the same, the Commissioner was appointed.



WEB COPY

6. It is pertinent to note that the petition for taking contempt action against the petitioners is pending on the allegation that the order of *status quo* was violated by them. Though it is correct to state that the Commissioner cannot be appointed for the purpose of collecting evidence, when the allegations were made that the order of “*status quo*” was violated and the features of the suit properties were altered and a contempt petition was also filed in this regard, the Court has got no other go except to appoint the Commissioner in order to find out the field reality of the suit properties.

7. In the case in hand, the learned trial Judge has rightly considered the situation that has arisen after the passing an order of “*status quo*” and allowed the petition filed for appointment of the Commissioner. Hence, I find no factual or legal infirmity in the order passed by the learned Additional Sub Judge, Hosur.

8. Accordingly, this Civil Revision Petition is dismissed and the order dated 02.12.2021 passed by the learned Additional Sub Judge, Hosur, in I.A.No.6 of 2021 in O.S.No.158 of 2012 is hereby confirmed.



Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

WEB COPY

27.06.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

The Additional Sub Judge,
Hosur.



WEB COPY

C.R.P. (PD) No.379 of 2022
and C.M.P. No.1960 of 2022



R.N.MANJULA, J.

sri

C.R.P. (PD) No.379 of 2022
and C.M.P. No.1960 of 2022

27.06.2022