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C.R.P.(PD) No.1675 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1675 of 2022
and C.M.P.No.8331 of 2022

1.Nagammal
2.Kanagaraj
3.Duraisamy

... Petitioners

Vs.

1.Bomma Naicker @ Bommuraj
2.Aravindan

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 06.12.2021 made in I.A.No.1 of 2021 in O.S.No.348 of 2020 on the file of the learned District Munsif Court, Sendamangalam.

For Petitioners : Mr.N.Manoharan

ORDER

This Civil Revision Petition has been preferred, challenging the order of the learned District Munsif, Sendamangalam, dated 06.12.2021 made in I.A.No.1 of 2021 in O.S.No.348 of 2020.



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2. The petitioners are the plaintiffs in the suit. During the pendency of the suit, the petitioners have filed a petition for appointment of Commissioner in I.A.No.1 of 2021 and the same was dismissed. Aggrieved over that, the petitioners/plaintiffs have preferred this petition.

3.The learned counsel for the petitioners submitted that the report of the Commissioner is essential for disposal of the suit.

4.It is seen from the affidavit filed in support of the petition filed by the revision petitioner that the Commissioner should be appointed with a surveyor in order to fix the boundaries in which the suit property was situated and also to notice other physical features of the suit property. Admittedly, the suit has been filed for the relief of permanent injunction, on the basis of the averments that the revision petitioners are in possession of the same. A Commissioner cannot be appointed to file a report as to who is in possession of the property. The physical features of the suit property does not seem to be relevant in the context of the allegation and the prayer sought by the plaintiffs in the suit. The learned trial Judge has rightly apprised the



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scope of the suit and unnecessary details that were sought by way of appointment of Commissioner and dismissed the petition correctly. Hence, I do not find any ground for interference.

5. Accordingly, the Civil Revision Petition is dismissed and the fair and decreetal order dated 06.12.2021 passed in I.A.No.1 of 2021 in O.S.No.348 of 2020, by the learned District Munsif, Sendamangalam, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

09.06.2022

Index : Yes/No
Speaking Order : Yes / No
vkr

To

1. The District Munsif,
Madurantakkam.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

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