



C.R.P.No.3414 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3414 of 2022

and

C.M.P.No.18135 of 2022

Saritha

... Petitioner

Vs.

1. Ponnusamy

2. Sathish Kumar

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the Fair and Decretal Order passed by the II Additional Subordinate Judge's Court at Coimbatore dated 16.03.2022 in I.A.No.3 of 2021 in O.S.No.1571 of 2021.

For Petitioner : Mr.P.Valliappan
for M/s PV Law Associates

For Respondents : No Appearance.

ORDER

This Civil Revision Petition has been filed challenging the order of dismissal of the petition filed by the petitioner/plaintiff seeking appointment of the Advocate Commissioner to note down the physical features of the suit property with regard to the Brick Kiln put up in the suit property.



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2. The petitioner herein filed a suit for partition and injunction and also prayed for declaration that settlement dated 28.08.2020 was null and void, not binding upon the petitioner / plaintiff. Pending suit, the petitioner filed a petition seeking appointment of Advocate Commissioner to note down the brick kiln activity going on in the suit property.

3. The respondent herein filed a counter wherein he specifically admitted that the respondent have put up bricks manufacturing unit in the suit property. Therefore a definite stand has been taken by the respondent in the counter that they have already put up Brick Kiln manufacturing unit in the suit property. In view of admitted position there is no necessity for appointment Advocate Commissioner to note down the physical features regarding activity that is going on in the suit property. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently connected Civil Miscellaneous Petition is closed.

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Index: Yes/ No
Speaking Order / Non-Speaking Order
jai



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To

The II Additional Subordinate Judge,
Coimbatore.



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S.SOUNTHAR, J.

Jai

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