

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3038 of 2022
and
C.M.P.No.16381 of 2022

1.Abdul Wahab
2. Mujibar Rahman
3. Suheb

... Petitioners

Versus

1.Mohamed Latif
2. Kalimullah

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set-aside the fair and decreetal order dated 08.08.2022 in I.A.No.113 of 2022 in O.S.No.228 of 2017 on the file of the learned Sub-Judge, Palacode.

For Petitioner : M/s.R.Selvakumar

ORDER

This Civil Revision Petition is filed challenging the order passed by the learned Sub-Judge, Palacode by an order dated 08.08.2022 in I.A.No.113 of 2022 in O.S.No.228 of 2017 dismissing the application filed by the revision petitioner seeking to re-open the case which was posted for arguments to enable him to file petition seeking appointment of Advocate Commission to visit and note down the physical features and also to file additional written statement.

2. The respondent herein filed a suit for declaration and injunction. The petitioner herein raised a counter claim seeking declaration of his title to portion of suit property and for permanent injunction. The trial in the suit is already over and the matter has been posted for arguments. At this stage, the revision petitioner has filed this application seeking reopening of the case to enable him to seek appointment of advocate commissioner and note down the physical features and to file Additional Written Statement.

3. Having regard to the prayer made in the suit namely for declaration and injunction, appointment of advocate commissioner to note down the physical

features is not all necessary. Further, this application was filed by the revision petitioner at the stage when the matter was posted for arguments. Further, the revision petitioner has not stated any convincing reason for filing the petition belatedly.

4. In view of the above, this Court finds no infirmity or illegality in the order dated 08.08.2022 in I.A.No.113 of 2022 in O.S.No.228 of 2017 on the file of the learned Sub-Judge, Palacode. The learned Sub Judge, Palacode had rightly dismissed the petition filed by the revision petitioners.

5. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.No costs.

23.09.2022

Index : Yes/No

Speaking Order : Yes /No

Sma

To:

The learned Sub-Judge, Palacode,

S.SOUNTHAR,J.

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