



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

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THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P(MD).No.47 of 2022 and
CMP(MD).No.228 of 2022

Renganathan Desikachari

... Petitioner / Plaintiff

Vs

Pream Bright

... Respondent / Defendant

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order, dated 12.11.2021 made in I.A.No.154 of 2021 in O.S.No.15 of 2020 on the file of the District Munsif Cum Judicial Magistrate, Kodaikanal.

For petitioner : Mr.C.Gangai Amaran
For respondent : Mr.P.M.Vishnu Varthanan

ORDER

The revision petitioner / plaintiff has filed this revision to set aside the order, dated 12.11.2021 made in I.A.No.154 of 2021 in O.S.No.15 of 2020 on the file of the District Munsif Cum Judicial Magistrate, Kodaikanal.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The said I.A.No.154 of 2021 has been filed by the respondent / defendant to scarp the commissioner's report filed in I.A.No.45 of 2020 and to appoint a new Advocate Commissioner to inspect the suit property and the property of the defendant and the same was allowed on the ground that it is necessary to find out whether there is a common road in the suit property or in the promboke land or in the property of the defendant has to be taken note of by the Commissioner. But, without considering these aspects, the First Commissioner has filed the report and hence, the 1st Commissioner report was scrapped and the second Commissioner was appointed as per the order, dated 12.11.2021 in I.A.No.154 of 2021 and he has also inspected the property, but, the report was not yet filed. Therefore, this Court has not find any valid reason to interfere with the order passed by the Court below.



4. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 12.11.2021 made in I.A.No.154 of 2021 in O.S.No.15 of 2020 on the file of the District Munsif Cum Judicial Magistrate, Kodaikanal. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The District Munsif Cum Judicial Magistrate,
Kodaikanal.

+1 CC to M/s.P.M.VISHNU VARTHANAN, Advocate (SR-19862[F] dated 20/04/2022)

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RS (01.06.2022) 2P-3C