



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.04.2022
CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

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C.R.P (MD)No.990 of 2020
and
C.M.P (MD)No.6506 of 2020

Kandasamy

...RevisionPetitioner/
Petitioner/Plaintiff

Vs.

Damodaran

...Respondent/Respondent/
Defendant

PRAYER: Civil Revision Petition under Section 115 of Civil Procedure Code, to set aside the fair and deceretal order dated 07.09.2019 passed in I.A.No.74 of 2019 in O.S.No.119 of 2017 on the file of Sub Court, Kovilpatti.

For Petitioner :Mr.S.Pon Senthilkumaran
For Respondent :Mr.R.J.Karthick

ORDER

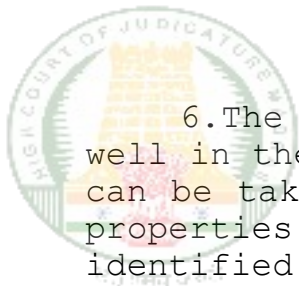
This Civil Revision Petition has been filed to set aside the fair and decreetal order, dated 07.09.2019 in I.A.No.74 of 2019 in O.S.No.119 of 2017 passed by the learned Sub-Judge, Kovilpatti.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The plaintiff has filed a petition in I.A.No.74 of 2019 in O.S.No.119 of 2017 to appoint Advocate Commissioner to note down the physical features of the suit schedule property. The said commission petition was dismissed on 07.09.2019 by the learned Sub Judge, Kovilpatti. Aggrieved over the same, the revision petitioners are before this Court.

4. Heard on either side and perused the material documents available on record.

5. The plaintiff has filed the suit in O.S.No.119 of 2017 to declare that he has right in 3 & 4th items of the suit schedule properties and cultivate the land in 1 & 2 items of the suit schedule property. It cannot be disturbed. He has also filed a petition in I.A.No.74 of 2019 for appointing Advocate commissioner to note down the physical features.



6.The issue is to be decided that, Whether there is any borewell in the 3 and 4th items of the suit schedule properties and water can be taken by the plaintiff to 1 & 2nd items of the suit schedule properties by allowing PVC pipe under the ground?. It can only be identified by the commissioner.

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In view of the aforesaid reasons, the Advocate Commissioner is directed to inspect the suit schedule properties and note down the physical feature of the 3 & 4th items of the suit schedule properties and whether any PVC pipe is laying under the ground from 3 & 4th items to 1 & 2nd items of the suit schedule properties and file a report.

7.With the above observations, this Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Subordinate Judge,
Kovilpatti.

+1 CC to M/s.S. PON SENTHIL KUMARAN, Advocate (SR-20238[F] dated 21/04/2022)

Order made in
C.R.P (MD) No.990 of 2020
21.04.2022

SA(06.06.2022) 2P 3C