



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No.297 of 2022 and
CMP(MD).No.1341 of 2022

1.J.Nagarajan
2.J.Sakhirajan

.. Petitioners / Petitioners/Defendants

Vs.

1.Yasodai
2.Avudaitthai
3.Balamani

.. Respondents/Respondents/ Plaintiffs

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Judgment and Decree made in I.A.No.4 of 2021 in O.S.No.2 of 2020, dated 23.12.2021 pending on the file of the District Munsif, Theni.

For Petitioners : Mr.R. Murali
For respondents : Mr. M. Kannan

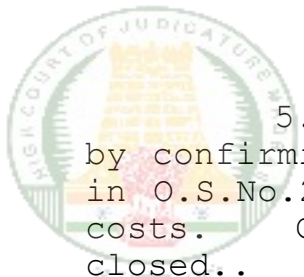
ORDER

The revision petitioners / defendants filed this revision to set aside the order, dated 23.12.2021 made in I.A.No.4 of 2021 in O.S.No.2 of 2020 on the file of the District Munsif, Theni.

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

3. The said I.A.No.4 of 2021 filed by the revision petitioners / defendants to appoint an Advocate Commissioner to prove their possession and also take down the presence of crops in the field. The revision petitioners / defendants have stated that they were cultivated in the land and there is growing crops in the field. The revision petitioners have filed a Commission petition for ascertaining the crops in the year 2021 and hence, the appointment of Commissioner is not necessary at present.

4. Since the suit has been filed for bare injunction, the Commissioner cannot be appointed for ascertaining the possession of the property. So, the trial Court has rightly dismissed the petition and hence, this Court is not inclined to interfere with order passed by the Court below.



5. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 23.12.2021 made in I.A.No.4 of 2021 in O.S.No.2 of 2020 on the file of the District Munsif, Theni. No costs. Consequently, the connected Miscellaneous Petition is closed..

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Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To:

The District Munsif, Theni.

+1 CC to M/s.M. KANNAN, Advocate (SR-18424[F] dated 13/04/2022)

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