



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 440 of 2022 and
CMP(MD).No. 1975 of 2022

V. Kannan .. petitioner/Petitioner/Plaintiff

Vs.
1.Parameswari
2.Irudhayaraj
3.Abraham .. Respondents/Respondents/Defendants

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 19.11.2021 made in I.A.No.3 of 2019 in O.S.No.293 of 2019 on the file of the Sub Court, Sankarankovil.

For Petitioner :Mr. F.X. Eugene

ORDER

The revision petitioner / plaintiff filed this revision to set aside the order dated 19.11.2021 made in I.A.No.3 of 2019 in O.S.No.293 of 2019 on the file of the Sub Court, Sankarankovil.

2. Heard the learned counsel appearing for the petitioner. No adverse order passed against the respondents and hence, notice to the respondents are not necessary.

3. The suit in O.S.No.293 of 2013 was filed by the petitioner for bare injunction. In the said suit, the petitioner / plaintiff has filed an application for appointment of Commissioner. The respondents / defendants have not disputed the identity of the property in their written statement. The petitioner / plaintiff alone has to prove his possession through documents. To prove the possession of the plaintiff, the Commissioner cannot be appointed and that the trial Court has rightly dismissed the I.A.No. 3 of 2019. Hence, this Court is not inclined to interfere with the order passed by the Court below.

4. Accordingly, the Civil Revision Petition is dismissed by confirming the order, dated 19.11.2021 made in I.A.No.3 of 2019 in

<https://hcservices.ecourts.gov.in/hcservices/>



O.S.No.293 of 2019 on the file of the Sub Court, Sankarankovil. No costs. Consequently, the connected Miscellaneous Petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (AE)

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Sub Judge,
Sankarankovil.

+1 CC to M/s.F.X.EUGUNE, Advocate (SR-11430[F] dated 11/03/2022)
CRP(MD).No. 440 of 2022 and
CMP(MD).No. 1975 of 2022

09.03.2022

nsn(CO)

GC(23.03.2022) 2P 3C