



WEB COPY



**C.R.P (MD) No. 455 of 2022**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 14.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**C.R.P (MD) No. 455 of 2022**  
**and**  
**CMP (MD) Nos. 2013 and 7024 of 2022**

1.Ponnaiah

2.Vijaya

3.Nachiyappan

4.Minor Vijaya Dharshini @ Vennila

5.Minor Nallathambi

6.Ranjith Kumar

7.Sagunthala

8.Minor Kannan

... Petitioners

[Petitioners 4 and 5 are represented through their father and natural guardian / 3<sup>rd</sup> petitioner Nachiyappan

Petitioner 8 is represented through his father and natural guardian 7<sup>th</sup> petitioner Sagunthala]

Vs

Kannusamy

... Respondent



**C.R.P (MD) No. 455 of 2022**

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 11.02.2022 made in I.A.No.44 of 2020 in O.S.No.66 of 2019 on the file of the Sessions Judge, Fast Track Mahila Court), Sivagangai and allow the above civil revision petition.

For Petitioner : Mr.B.Jameel Arasu  
For Respondent : Mr.P.Thirumahilmaran

**ORDER**

This Civil Revision Petition is filed as against the fair and decreetal order dated 11.02.2022 passed in I.A.No.44 of 2020 in O.S.No.66 of 2019.

2.The respondent / plaintiff has filed the above suit for partition and also filed the above interlocutory application in I.A.No.44 of 2020 seeking the relief to inspect the suit property and to audit the accounts including the income list by appointing a Commissioner and to file a report. The said application was allowed by the trial Court.



**C.R.P (MD) No. 455 of 2022**

3.The petitioners / defendants have filed these applications that without assigning any reasons, the Court has simply allowed the application filed by the plaintiff. In the earlier occasion in the very same interlocutory application, the trial Court passed such an order on 22.03.2021 without assigning any reason. Therefore, the petitioner approached this Court in CRP(MD)No.985 of 2021, wherein this Court by order dated 15.07.2021 set aside the impugned order therein and remitted the matter back to the trial Court for passing orders afresh by conducting proper enquiry. Despite the directions of this Court, the trial Court has once again passed the order without assigning any reason.

4.The learned Counsel for the respondent submits that the trial Court has rightly allowed the interlocutory application by considering the reasons stated in the petition and therefore, there is no necessity for interfering with the orders of the trial Court.

5.Heard the learned Counsel on either side and perused the materials placed on record.



**C.R.P (MD) No. 455 of 2022**

6. The suit is filed for partition in the year 2019.

The plaintiff has filed an interlocutory application for appointment of Commissioner to inspect the property and to audit the accounts and to file a report. The trial Court has held that the respondent / plaintiff has established the necessity for appointment of advocate commissioner to inspect the petition mentioned properties, to note down the account details, profit particulars, valuation of the vehicles and the defendants will in no way be affected and their rights will not be affected and they could establish their case through their defence. The suit is filed for partition and there are several schedule of properties and as rightly held by the trial Court the petitioner can establish his case through his defence. Therefore there is no reason to interfere with the orders passed by the trial Court.

7. In the result, this civil revision petition stands dismissed. No costs. Consequently connected miscellaneous petition stands dismissed.

14.09.2022

dsk

4/6



*C.R.P (MD) No. 455 of 2022*

To

The Sessions Judge,  
Fast Track Mahila Court,  
Sivagangai.



WEB COPY



**C.R.P (MD) No. 455 of 2022**

**B. PUGALENDHI, J.**

dsk

**C.R.P (MD) No. 455 of 2022**

**14.09.2022**