



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

C.R.P (MD) No.551 of 2022

and

C.M.P (MD) No.2372 of 2022

Antony

... Petitioner/Defendant

Vs.

Vel Thevar

... Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order passed in I.A. No. 2 of 2021 in O.S.No.163 of 2020 on the file of Principal District Munsif Court, Tirunelveli, dated 28.01.2022 and allow the Civil Revision Petition and allow I.A.No.2 of 2021.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.A.Rajaram

ORDER

The Civil Revision Petition has been filed to set aside the fair order and decreetal order passed in I.A.No.2 of 2021 in O.S.No.163 of 2020 on the file of Principal District Munsif Court, Tirunelveli, dated 28.01.2022.

2.I.A.No.2 of 2021 was filed by the revision petitioner/defendant under Order 26, Rule 9 and Section 151 of CPC., for appointment of Commissioner, which was dismissed by the learned District Munsif, Tirunelveli. Aggrieved by the said order, the revision petitioner has filed this Civil Revision Petition.

3.A perusal of records would show that the suit is for bare injunction. However, the identity of property is disputed in the written statement. The revision petitioner/defendant has also given two schedule of property and disputed boundary stated in the schedule, therefore, an appointment of Commissioner is necessary. But without considering the written statement filed by the revision petitioner, the trial Court has dismissed the said I.A.No.2 of 2021.

4.In view of the above, this Civil Revision Petition is allowed. The order dated 28.01.2022 made in I.A.No.2 of 2021 in

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



C.R.P(MD)No.551 of 2022

O.S.No.163 of 2020 passed by the learned Principal District Munsif, Tirunelveli, is hereby set aside. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The Principal District Munsif,
Tirunelveli.

+1 CC to M/s.A.RAJARAM, Advocate (SR-13382[F] dated 22/03/2022)

C.R.P (MD) No.551 of 2022
and

C.M.P (MD) No.2372 of 2022

Dated:

22.03.2022

RK(13/04/2022) 2P 3C