



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (PD) (MD) .No. 930 of 2022
and CMP(MD)No.3714 of 2022

WEB COPY

1. K.Ponnusamy
 2. K. Natchimuthu
 3. K. Karunakaran
 4. V. Valliammal
 5. V. Magudeeswaran
 6. V. Ponnusamy
 7. V. Ganesan
- ... Petitioners/Petitioners/Appellants
Vs
1. G.Marimuthu
 2. E. Manivel
- ... Respondents/Respondents/Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 01.03.2022, passed in I.A. No. 22 of 2020 in A.S. No. 53 of 2017, by the learned Principal Subordinate Judge, Palani.

For Petitioners : Mr.M.P.Senthil
For Respondents : Mr.D.Venkatesh

ORDER

To set aside the fair and decreetal order dated 01.03.2022, passed in I.A. No. 22 of 2020 in A.S. No. 53 of 2017, by the learned Principal Subordinate Judge, Palani, the revision petitioners have filed this Civil Revision Petition.

2.Heard the learned counsels appearing for both sides and perused the materials available on record.

3.The revision petitioners are appellants in A.S.No.53 of 2017, pending on the file of Principal Subordinate Court, Palani, which was filed against the Judgment and Decree in O.S.No.262 of 2006, on the file of District Munsif Court, Palani. During the pendency of appeal, the revision petitioners have filed I.A.No.22 of 2020, to appoint an Advocate Commissioner to inspect the property and note down the structure of pathway.



4.Already, in O.S.No.262 of 2006 an Advocate Commissioner was appointed and inspected the property and filed the report. Now the revision petitioners have stated that at the time of surveying the property, the Advocate Commissioner had inspected the property, without the help of Surveyor. Against which, the revision petitioners had not preferred any objection, by way of reissuing Commissioner Warrant in the suit. Without taking any steps in the suit, now they have filed petition for appointment of an Advocate Commissioner.

5.In the appeal, the Appellate Court has to decide whether the relief granted by the trial Court is correct or not. The Appellate Court cannot looked into the same.

6.Accordingly, this Civil Revision Petition stands dismissed and the order dated 01.03.2022, passed in I.A. No. 22 of 2020 in A.S. No. 53 of 2017, by the learned Principal Subordinate Judge, Palani is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To

1.The Principal Subordinate Judge, Palani.

2.The Record Keeper,
Vernacular Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.P. SENTHIL, Advocate (SR-20799[F] dated 25/04/2022)

C.R.P(PD) (MD) .No. 930 of 2022
and CMP (MD)No.3714 of 2022
22.04.2022

SS (CO)

KB(04.05.2022) 2P 5C