



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.04.2022
CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

WEB COPY

CRP(MD).No. 999 of 2022 and
CMP(MD).No.3962 of 2022

1.Rosammal
2.Leela
3.Sironmani
4.Velankanni
5.Rajendran

... Petitioners / plaintiffs

Vs.

Lakshmi Ammal (died)

1.Murugesan
2.Shanthini
3.Sudhershnan
4.Prithivirajan
5.Bhuvaneshwaran

... Respondents / defendants 4 to 8

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order in I.A.No.141 of 2021 in O.S.No.7 of 2014 passed by the District Munsif Court, Keeranur, dated 18.03.2022.

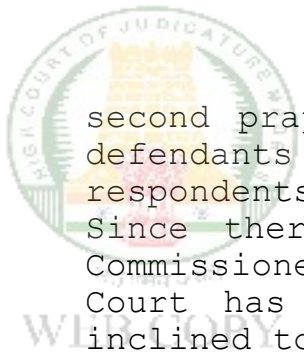
For Petitioners : Mr.K.P. Narayanakukmar
For 4th Respondent : Mr.P.Ganapathi Subramanian

ORDER

The revision petitioners / plaintiffs have filed this revision to set aside the order, dated 18.03.2022 passed in I.A.No.141 of 2021 in O.S.No.7 of 2014 passed by the District Munsif Court, Keeranur.

2. Heard the learned counsel appearing for the petitioners and the 4th respondent. Since no adverse order passed against the respondents, no notice is necessary to the respondents 1 to 3.

3. The said Interlocutory Application in I.A.No.141 of 2021 was filed by the respondents / defendants to appoint an Advocate Commissioner to measure the suit property. The defendants have purchased 1 Acre 3 Cents from the father of the revision petitioners / plaintiffs. The plaintiffs have also admitted that they have sold 1 Acre 3 Cents to the defendants and some of the property to the third party and remaining 80 Cents are with them. They have also filed a suit for declaration of title to the 80 Cents. But, the



second prayer in the said suit is that the patta obtained by the defendants in S.No.258/5BA is not binding the plaintiffs. Now, the respondents / defendants want to measure their property also. Since there is a dispute in the identity of the property, the Commissioner is necessary to inspect the property. So, the trial Court has allowed the application. Hence, this Court is not inclined to interfere with the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 18.03.2022 passed in I.A.No.141 of 2021 in O.S.No.7 of 2014 passed by the District Munsif Court, Keeranur. The Commissioner is directed to measure the entire property in S.No.258/5BA with the revenue records. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(C.O)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The District Munsif, Keeranur.

+1 CC to M/s.K.P. NARAYANA KUMAR, Advocate (SR-22508[F] dated 29/04/2022)

+1 CC to M/s.P.GANAPATHI SUBRAMNAIAN, Advocate (SR-22727[F] dated 29/04/2022)

CRP(MD) .No. 999 of 2022 and
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28.04.2022

SA(25.05.2022) 2P 4C