



CRP(PD)(MD)No.1313 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2022

CORAM:

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

**CRP(PD)(MD)No.1313 of 2022**

**CMP(MD)No.5444 of 2022**

T.Chelladurai

1. Jeeva Rose

2. C.Dayana

3. C.Dency

... Revision Petitioners

versus

1. E.Chellappan

2. C.Vellammal

3. F.M.Selvaraj

4. J.X.Clara

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 19.07.2021 made in I.A.No.98 of 2016 in O.S.No.123 of 2012 on the file of the learned Special Judge for the Forest Offence Cases, Nagercoil, Kanyakumari District.

For Revision Petitioner : Mr.S.Palani Velayutham



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## **ORDER**

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This Civil Revision Petition is filed against the order passed by the learned Special Judge for the Forest Offence Cases, Nagercoil, Kanyakumari District, in I.A.No.98 of 2016 in O.S.No.123 of 2012, dated 19.07.2021.

2. The revision petitioners are plaintiffs in O.S.No.123 of 2012 on the file of the learned I Additional Subordinate Judge, Nagercoil. They filed the above suit for specific performance against the defendants 1 and 2/respondents 1 and 2. Pending the suit, the plaintiffs/revision petitioners impleaded defendants 3 and 4/respondents 3 and 4 as *pendente lite* purchaser. In the year 2016, they have also filed an interlocutory application in I.A.No.98 of 2016 in O.S.No.123 of 2012 under Order 26 Rule 9 and Section 151 C.P.C. for appointment of an Advocate Commissioner for conducting local inspection of the petition schedule properties. The learned Special Judge for Forest Offence Cases, Nagercoil, by order dated 19.07.2021,



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dismissed the application. Aggrieved over the same, the present Civil Revision Petition has been filed.

3. A perusal of the order under challenge reveals that the the plaintiffs/revision petitioners had also filed an interlocutory application for appointment of an Advocate Commissioner in I.A.No.174 of 2012, which was allowed by the trial Court on 06.07.2012 and the Commissioner's report was also filed on 14.09.2012 and thereafter, the present interlocutory application has been filed in the year 2016 for appointment of an Advocate Commissioner for conducting local inspection of the petition schedule properties. It clearly shows that in order to drag on the proceedings, the plaintiffs have filed the interlocutory application one after and another. The present interlocutory application has been filed in the year 2016, however, they have been taking adjournments from time to time for the past five years. Considering the same, the learned trial Judge has rightly dismissed the said interlocutory application. Therefore, this Court is



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not inclined to interfere with the orders of the trial Court.

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4. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

5. Considering that the suit is of the year 2012, the learned Special Judge for the Forest Offence Cases, Nagercoil, Kanyakumari District, shall conclude the trial and dispose of the suit in accordance with law, within a period of six months from the date of receipt of a copy of this order.

**01.07.2022**

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Index : Yes / No

Internet: Yes / No.

To

1. The learned Special Judge for the  
Forest Offence Cases,  
Nagercoil, Kanyakumari District.

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**B.PUGALENDHI, J.**

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