



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (MD) .No.1681 of 2021
and
CMP (MD) .No.9071 of 2021

Sakunthala

: Petitioner

Vs

Samantham Pillai (died)

1.Ravichandran
2.Rathinamala
3.Jayachitra
4.Rajini

Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 02.02.2021 made in I.A.No.301 of 2020 in O.S.No.127 of 2014 on the file of the Principal Sub Court, Kumbakonam and set aside the same.

For petitioner : Mr.V.Sasikumar
For respondents : Mr.M.P.Senthil

ORDER

The revision petitioner / plaintiff filed this revision to set aside the order, dated 02.02.2021 made in I.A.No.301 of 2020 in O.S.No.127 of 2014 on the file of the Principal Sub Court, Kumbakonam.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The said Interlocutory Application in I.A.No.301 of 2020 has been filed by the revision petitioner / plaintiff for appointment of Advocate Commissioner and the same was dismissed on the ground that the suit was filed by the revision petitioner for recovery of possession. The suit schedule property also includes the house site and trees. The defendants have filed written statement in the suit and they have not denied the identity of the suit schedule property. Hence, the defendants cannot let in evidence regarding



the identity of the suit schedule property contrary to the written statement.

4. Since the defendants have not denied the identity of the suit schedule property in the written statement, the appointment of Commissioner is not necessary to inspect the property. So, the trial Court has rightly dismissed the petition and hence, this Court is not inclined to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 02.02.2021 made in I.A.No.301 of 2020 in O.S.No.127 of 2014 on the file of the Principal Sub Court, Kumbakonam. No costs. Consequently, the connected Miscellaneous Petition is closed.

6. Since the suit is of the year, 2014 the Principal Subordinate Judge, Kumbakonam is directed to dispose the said suit in O.S.No.127 of 2014, pending on its file, within a period of four months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Principal Sub Court, Kumbakonam

+1 CC to M/s.V. SASIKUMAR, Advocate (SR-20017[F] dated 21/04/2022)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-19995[F] dated 21/04/2022)

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MK/16.05.2022/2P/4C