



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Civil Appellate Jurisdiction

Wednesday, the Sixteenth day of March Two Thousand and Twenty Two

PRESENT

The HONOURABLE MS. JUSTICE R.N.MANJULA

CMP(MD). No.5827 of 2020

in

AS(MD).No. 157 of 2020

1. P.Rajendran

2. R. Meena

3. P. Rajendran

4. R. Poongudi

5. M. Balasubramanian

6. M. Dharmarajan

7. D. Chithraleka

...

Petitioners/ Appellants

Vs

1 L.Govindarajan

2 G. Sivarajan

3 R. Mohan

4 R. Saravanan,

5 R. Rajeswari

6 M. Shanthi,

7 D. Muthumari

(Respondents 4 to 7 are exparte throughout the trial Court proceedings)

...

Respondents/ Respondents



9 T.Mahendran

Respondents 8 and 9 are Impleaded Vide Court Order District 08.07.2021 made in CMP(MD).No. 547/2021)

... Respondents 8 & 9 (newly impleaded respondents)

Prayer in CMP(MD). No.5827 of 2020:-

This Civil Miscellaneous Petition filed under Order 41 Rule 27 and Order 26 Rule 13 & 14 r/w Section 151 of C.P.C, Praying this Court to reissue the warrant to the same advocate commissioner to prepare an additional report and plan according to the rough sketch submitted by the petitioners in the final decree application with the help of qualified surveyor and engineer pending disposal of the appeal.

Prayer in AS(MD). 157/ 2020 :

This Appeal Suit filed under Section 96 of C.P.C, praying this Court to set aside the order and Decree dated 04.03.2020 made in I.A.No.129/2017 in O.S.No.228/2015 on the file of I Additional District Court, Madurai.

ORDER:-

This Civil Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. C.Godwin, Advocate for the Petitioner, this Court made the following order:

“This Civil Miscellaneous Petition has been filed to reissue the warrant to the same advocate commissioner.

2. This petition has been filed by the appellants by stating that an extent of 1066 square feet of land purchased by them and in which they are now in possession by carrying on business has not been considered while allotting their share. It is



further submitted that neither the advocate Commissioner nor the trial Judge had noticed the above said aspects and that would cause grievance to the petitioners.

3.It is always open to the petitioners to raise the above points which is found to be valid and in the event of appeal is allowed, then the necessity for reissuing the warrant to the commissioner can be considered.

4.I feel that this petition is premature. Hence, this petition is dismissed.”

Sd/-

Assistant Registrar (CO)

// True Copy //

/02/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)

To

+ 1 CC to G.Godwin, Advocate, SR.No. 11.11.2024

ORDER DATED : 16/03/2022

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ORDER (CD Purpose)

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CMP(MD). No.5827 of 2020
in
AS(MD).No. 157 of 2022

KR/13.02.2025 3P/2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023