



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.1768 of 2021 and
CMP(MD).No.9429 of 2021

Selvarajan : Petitioner/Appellants/Petitioner/Defendant

Vs

1.Ayyanar
rep. by Power Agent
Bharathi : Respondent/RRespondent/Respondent/Plaintiff

PRAYER:- Civil Revision Petition filed under Section 115 CPC against the fair and decreetal order dated 16.09.2021 passed in CMA(MD).no.9 of 2019 on the file of the Principal Sub Court, Tirunelveli against the fair and decreetal order dated 27.08.2019 passed in I.A.No.1276 of 2018 in O.S.No.255 of 2016 on the file of the I Additional District Munsif Court, Tirunelveli.

For petitioner : Mr.V. Meenakshisundaram

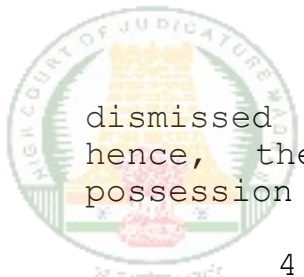
For respondent : Mr. T. Selvam

ORDER

This Civil Revision Petition filed by the petitioner / defendant to set aside the order, dated 16.09.2021 passed in CMA (MD).No.9 of 2019 on the file of the Principal Sub Court, Tirunelveli against the order, dated 27.08.2019 passed in I.A.No.1276 of 2018 in O.S.No.255 of 2016 on the file of the I Additional District Munsif Court, Tirunelveli.

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

3. The said I.A.No.1276 of 2018 filed by the petitioner / defendant for appointment of Advocate Commissioner to note down the physical features of the property, which was dismissed by the trial Court. Against which the petitioner filed the CMA.No.9 of 2019 before the Principal Sub Court, Tirunelveli, which was also



dismissed on the ground that suit is barred for injunction and hence, the Commissioner cannot be appointed for proving the possession of the property.

4. Since the petitioner has already filed the tenancy surrender document, he may let in evidence before the trial Court and also he can file photographs to show the physical features of the property before the trial Court.

5. With the above observation the Civil Revision Petition is dismissed by confirming the order dated 16.09.2021 passed in CMA (MD).No.9 of 2019 on the file of the Principal Sub Court, Tirunelveli. Since the suit is pending from 2016, the trial Court is directed to dispose of the suit in O.S.No.255 of 2016 within a period of six months from the date of receipt of a copy of this order.

No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

1.. The Principal Subordinate Judge, Tirunelveli.

2. I Additional District Munsif, Tirunelveli.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-12270[F] dated 15/03/2022)

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