



C.R.P PD(MD)No.2174 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.11.2022

CORAM:

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

C.R.P(MD)No.2174 of 2022 and  
CMP(MD) No.10101 of 2022

Soosaimanickam

... Petitioner

Vs

1.Selvakumar  
2.The Tahsildar,  
Devakottai Taluk,  
Sivagangai District.

... Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the learned District Munsif, Devakottai made in I.A.No.9 of 2022 in O.S.No.41 of 2017 and set aside the fair and decreetal order dated 29.08.2022.

|                 |                                                  |
|-----------------|--------------------------------------------------|
| For Petitioner  | : Mr.P.Kalaiyarasi Bharathi                      |
| For Respondents | : Mr.M.Sarangan<br>Additional Government Pleader |



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## **ORDER**

This Civil Revision Petition is filed as against the order passed by the learned District Munsif, Devakottai in I.A.No.9 of 2022 in O.S.No.41 of 2017, dated 29.08.2022.

2.The suit in O.S.No.41 of 2017 was filed by the petitioner herein as against the defendants, before the District Munsif Court, Devakottai, for the relief of not to alter the suit schedule property. Pending the suit, the petitioner filed an interlocutory application in I.A.No.9 of 2022, under Order XXVI Rule 9 r/w Section 151 of Civil Procedure Code for appointment of Advocate Commissioner to cut and dispose of 'prosopis juliflora' (Seemai Karuvelam trees) in the petition mentioned property and to deposit the amount in the Court. The trial Court dismissed the said application. Aggrieved over the same, the present Civil Revision Petition is filed.





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interlocutory application in I.A.No.9 of 2022, under Order XXVI Rule 9 r/w Section 151 of Civil Procedure Code, for appointment of Advocate Commissioner to cut and dispose of 'prosopis juliflora' (Seemai Karuvelam trees) in the petition mentioned property and to deposit the amount in the Court. While dismissing the application, the trial Court has held that the parties have to prove their case by letting in legally acceptable evidence and the report of the Commissioner can only aid the Court in evaluating the evidence to come to just conclusion.

6.This Court is not inclined to entertain this Civil Revision Petition. However, considering the fact that the suit is of the year 2017, the trial Court is directed to conclude the trial as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.



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7. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**02.11.2022**

Index : Yes / No.  
Internet : Yes / No.  
vrn

To  
The District Munsif, Devakottai



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**B.PUGALENDHI, J.**

vrn

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**02.11.2022**