



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(PD) (MD) .No. 2078 of 2017

and

C.M.P. (MD) No. 10330 of 2017

WEB COPY

1. Family Manager Palaniyappan,
2. Family Manager Palanisamy,
3. Family Manager Raman, ... Petitioners/ Petitioners/
Plaintiffs

Vs

1. Nagammal
2. Perumal
3. Chinnu
4. Kannusamy ... Respondents/ Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the impugned Decree and order in I.A.No.27 of 2017 in O.S.No.357 of 2009 dated 28-08-2017, passed by the learned Principal District Munsif, Manapparai.

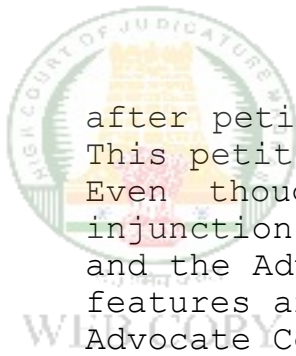
For Petitioner : Mr.G.Sridharan
For Respondents : Mr.N.R.Balaji (R1 to R4)

ORDER

This Civil Revision Petition has been filed by the revision petitioner to set aside the impugned Decree and order in I.A.No.27 of 2017 in O.S.No.357 of 2009, dated 28-08-2017, passed by the learned Principal District Munsif, Manapparai.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.The revision petitioner filed a petition in I.A.No.27 of 2017 for appointment of an Advocate Commissioner, to note down whether any cart track or pathway is in the subject property and the same was dismissed on the ground that the petitioners filed petition



after petition, for one reason or other to prolong the proceedings. This petition was filed for appointment of an Advocate Commissioner. Even though, the suit was filed for the relief of permanent injunction, one of the subject property is the pathway or cart track and the Advocate Commissioner is necessary to note down the physical features and measurement of cart-track. Hence, the appointment of an Advocate Commissioner is necessary in this case.

4.With these observations, this Civil Revision Petition is allowed and the impugned Decree and order in I.A.No.27 of 2017 in O.S.No.357 of 2009 dated 28-08-2017, passed by the learned Principal District Munsif, Manapparai is hereby set aside. No costs. The trial Court is directed to complete the trial in an expeditious manner. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS I)

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

PNM

To

1.The Principal District Munsif,
Manapparai

2.The Record Keeper,
Vernacular Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.SRIDHARAN, Advocate (SR-17809[F] dated 11/04/2022)

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MK/27.04.2022/2P/5C