



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 2124 of 2017 and
CMP(MD).No.10542 of 2017

1.Umapathi
2.Umaiya

.. Petitioners/Respondents/Plaintiff

Vs

Sevugaperumal

.. Respondent/Petitioner/Defendant

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 31.08.2017 made in I.A.No.714 of 2017 in O.S.No.78 of 2015 on the file of the District Munsif Court, Aranthangi.

For Petitioners : Mr. A. Mohan
For respondent : Mr. G. Sridharan

ORDER

The revision petitioners / plaintiffs filed this revision to set aside the order, dated 31.08.2017 made in I.A.No.714 of 2017 in O.S.No.78 of 2015 on the file of the District Munsif Court, Aranthangi.

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.714 of 2017 filed by the respondent / 1st defendant to appoint an Advocate Commissioner to ascertain the property whether it is in S.No.166 or 79/1 and the same was allowed. Aggrieved by the said order, the present revision is filed.

4. The revision petitioners / plaintiffs filed the said suit for permanent injunction. The respondents / defendants filed the written statement and objected that within the boundary mentioned in the plaint schedule only S.No.166 is available and classified as Salai poramboke. He has also contended that the S.No.79/1 is not in existence in the schedule mentioned property. Since the land is classified as Salai Poramboke, he has no records to prove, only the Commissioner with the help of Surveyor can ascertain whether the property is in S.No.166 or 79/1. Only for that purpose, the Commissioner has to inspect the property with the



help of the surveyor and ascertain the correct survey and extent in the property. Therefore, the trial Court has rightly allowed the application 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 31.08.2017 made in I.A.No.714 of 2017 in O.S.No.78 of 2015 on the file of the District Munsif Court, Aranthangi. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The District Munsif Court, Aranthangi.

Copy to

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.G. SRIDHARAN, Advocate (SR-19147[F] dated 18/04/2022)

CRP(MD).No. 2124 of 2017 and
CMP(MD).No.10542 of 2017
18.04.2022

SG(CO)

KB(04.05.2022) 2P 5C