



C.R.P.No.2169 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.2179 and 2186 of 2023

Annappan

.. Petitioner in both C.R.Ps

Versus

1. Jayavel

Gopi (Died)

2. Alamelu

3. Kannan

4. Rajeswari

5. Minor. Satheeskumar

6. Minor Chandru

.. Respondents in both C.R.Ps

Prayer in C.R.P.No.2179 of 2023 : This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal order of the I Additional District Munsif Court at Kallakurichi, dated 21.12.2021 in I.A.No. 1365 of 2021 in O.S.No.235 of 2014 and pass orders.



C.R.P.No.2169 of 2023

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Prayer in C.R.P.No.2186 of 2023 : This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal order of the I Additional District Munsif Court at Kallakurichi, dated 21.12.2021 in I.A.No. 1364 of 2021 in O.S.No.235 of 2014 and pass orders.

For Petitioner

:Mr. SM.S. Shriram Narayanan

for PV Associates

COMMON ORDER

These petitions have been filed praying to set aside the Fair and Decreetal order of the I Additional District Munsif Court at Kallakurichi, dated 21.12.2021 in I.A.No. 1364 of 2021 in O.S.No.235 of 2014 and I.A.No. 1365 of 2021 in O.S.No.235 of 2014 and pass orders.

2. The case of the petitioner is that he has filed the main suit for the relief of declaration, recovery of possession and Mandatory Injunction to remove the encroachment in the suit property. When the suit was reserved for Judgement, the petitioner filed the above Interlocutory Applications for appointment of Advocate Commissioner and to re-open



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the suit posted for Judgment and the said Applications were dismissed vide order dated 21.12.2021. Hence this petition.

3. The learned counsel for the petitioner submitted that he has filed the Interlocutory Applications to elucidate the dispute which will enable both the parties to arrive at a conclusion. He further submitted the respondents/defendants by misusing the wrongful sub-division made by the Revenue Authorities has encroached upon the suit property, due to which he has filed the above Applications. Hence prays to allow this petition.

4. On a perusal of records, it is seen that the suit is of the year 2014 and the Applications were filed in the year 2021. It is pertinent to note that when the suit is posted for Judgment, the petitioner has filed the above Interlocutory Applications at the fag end. Hence the learned Judge has dismissed the Applications on the ground that if the petitions are allowed, it will definitely cause, injustice inconvenience and hardship to the defendants. Hence, the impugned order does not warrant interference by this Court.



C.R.P.No.2169 of 2023

5. In view of the above, the order passed by the I Additional District Munsif Court at Kallakurichi, dated 21.12.2021 in I.A.No. 1365 of 2021 in O.S.No.235 of 2014 is confirmed. Accordingly these Civil Revision Petitions are dismissed. No order as to costs.

07.07.2023

Index : Yes/No
Internet : Yes/No
smn
To

The I Additional District Munsif Court at Kallakurichi.



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C.R.P.No.2169 of 2023

V.BHAVANI SUBBAROYAN,J.

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2186 of 2023

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