



C.R.P. No. 2601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
C.R.P. No. 2601 of 2023

S.K. Murugan

...Petitioner

.Vs.

1. Thangaraj

2. Yasodha

3. Manjupriya

4. Minor Keerthi

5. Minor Keerthana

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order and decreetal order dated 24.03.2023 made in I.A.No.42 of 2022 in O.S.No. 9 of 2020 on the file of the Court of the Subordinate Judge, Gingee, by allowing this Civil Revision petition and pass orders.

For Petitioner : Mr. T. Dhanasekaran



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ORDER

This petition is filed to set aside the order and decretal order dated 24.03.2023 made in I.A.No.42 of 2022 in O.S.No. 9 of 2020 on the file of the Court of the Subordinate Judge, Gingee.

2. The case of the petitioner is that the petitioner has filed I.A.No.42 of 2022 in O.S.No. 9 of 2020 for appointment of Advocate Commissioner to demarcate the subject property by metes and bounds and the same was dismissed vide order dated 24.03.2023. Hence this petition.

3. The learned counsel for the petitioner submitted that the learned Judge ought to have allowed the I.A filed by the petitioner for appointing an Advocate Commissioner in order to establish his case. Hence prays to allow this petition.

4. On going through the impugned order it is seen that the learned Judge had dismissed the I.A on the ground that the appointment of Advocate Commissioner is not necessary, as the issue in



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the suit is only with regard to the enjoyment of the subject property. Hence, the question with regard to demarcation of the subject property does not arise, which finding in the considered view of this Court cannot be brushed aside easily. Therefore, there is no necessity to interfere with the impugned order passed by the Court below.

5. In view of the above, the order passed in I.A.No.42 of 2022 in O.S.No. 9 of 2020 on the file of the Court of the Subordinate Judge, Gingee, is confirmed. Accordingly this Civil Revision Petition is dismissed. No order as to costs.

01.08.2023

smn

Index : Yes/No

Internet: Yes/No

To.

The Subordinate Judge, Gingee,



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V.BHAVANI SUBBAROYAN,J.
Smn

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