



C.R.P.No.1687 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.1687 of 2023

and

CMP.No.11067 of 2023

1. Kannagi
2. R.Boopathy

.. Petitioners

Versus

1. Kumudha
2. Paramasivam
3. Veeramani
4. Murugan
5. The Commissioner,
Municipal Office,
Dharmapuri.

.. Respondents

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition, set aside the order dated 03.09.2021 in I.A.No.299/2021 in I.A.No.170/2014 in O.S.No.27/2014 passed by the learned District Munsif, Dharmapuri.

For Petitioner : Mr.J.Muthukumaran



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ORDER

Heard the learned counsel for the petitioner and perused the materials placed on record.

2. On a perusal of the records, it reveals that the petitioners/plaintiffs have filed the suit in O.S.No. 27 of 2014 before the District Munsif, Dharmapuri, for mandatory injunction and permanent injunction. The defendants have contested the suit by filing written statement denying all the averments made in the plaint. During the pendency of the suit proceedings, the petitioners/plaintiffs filed I.A.No.170 of 2014 under Order 26, Rule 9 and r/w Section 151 CPC., seeking to appoint an Advocate Commissioner to note down the physical features and to measure the property with the help of the Village Administrative Officer and Surveyor. After perusing the records, the Court below allowed the application. Again, the petitioners/plaintiffs filed I.A.No.299 of 2021 under Order 26 Rule 9 CPC, seeking to appoint an advocate commissioner to re-visit on the southern side wall of the disputed property of the



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petitioners/plaintiffs and to ascertain the present status of the property.

After perusing the relevant records, the Court below dismissed by order dated 03.09.2021. Aggrieved by the same, the petitioners/plaintiffs have come forward with the present Civil Revision Petition.

3. It is also seen that the suit was filed by the petitioners/plaintiffs in the year 2014 for permanent injunction and mandatory injunction. Earlier, the application in I.A.No.170 of 2014 was filed by the petitioners/plaintiffs seeking to appoint Advocate Commissioner. The Court below appointed the Advocate Commissioner and the Commissioner also filed his detailed report along with sketch before the Court below on 01.07.2014 in respect of the property in question. However, the petitioners/plaintiffs have no objection on the Commissioner's Report filed by the Advocate Commissioner. Now, the present application IA.No. 299 of 2021 has been filed by the petitioners/plaintiffs is not sustainable and they filed the above application to drag on the proceedings. Therefore, the claim of the petitioners/plaintiffs is not acceptable one and the Court below has rightly dismissed the application by order dated 03.09.2021. There is no illegality or irregularity



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in the impugned order passed by the Court below. Hence, this Court is not inclined to allow the above Revision and the same is liable to be dismissed.

4. Accordingly, the above Civil Revision Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

12.07.2023

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The District Munsif, Dharmapuri.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN,J.

Kv

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