



CRP.No. 3760 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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and

CMP.No. 19841 of 2022

1.Ruby Mary
2.Chandra Ruban
3.Ruban Sukumar

.. Petitioners

Versus

1.Sampath Kumar
2.Jebamangalam

.. Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 11.08.2022 passed in I.A.No. 4 of 2021 in O.S.No. 906 of 2021 on the file of the V Additional District Judge, Coimbatore.

For Petitioners : Mr.N. Ishtiaq Ahmed

For Respondents : M/s. S. Kiruthika

ORDER

This Civil Revision Petition has been filed seeking to set aside the



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fair and decretal order dated 11.08.2022 passed in I.A.No. 4 of 2021 in O.S.No. 906 of 2021 on the file of the V Additional District Judge, Coimbatore.

2. Heard both sides and perused the records.

3. On a perusal of the records, it is seen that the petitioners/plaintiffs have filed the suit in O.S.No. 906 of 2021 before the District Munsif, Coimbatore, for declaration and permanent injunction against the respondents/defendants. The defendants have contested the suit by filing written statement denying the averments made in the plaint. During the pendency of the suit proceedings, the petitioners/plaintiffs filed IA.No. 4 of 2021 under Order 26 Rule IX CPC., seeking for appointment of Advocate Commissioner to note down the physical features, the existence of 15 feet wide North-South Road, the existence and directions of the gates therein, the residential houses of the plaintiffs, the buildings of Holy Angels School with measurements and with a relevant sketch of the petition schedule mentioned property with the help of a Surveyor if necessary. After perusing the records, the Court below



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dismissed the application by order dated 11.08.2022. Challenging the same, the petitioners/plaintiffs have come forward with the present Civil Revision Petition.

4. It is also seen that as per the order of this Court dated 02.08.2021 in WP.No. 15912 of 2021 filed by the second respondent herein, by way of writ of mandamus seeking a direction to the respondents 1 and 2 therein, to consider the representation dated 29.01.2019 to survey, measure and fix the boundaries of the property measuring an extent of 14 cents in S.No. 770, presently No. 770/2 in Karamadai Village, Mettupalayam Taluk, Coimbatore District. It is claimed by the second respondent herein that the revision petitioners had raised some objections. Taking into consideration, this Court directed the first respondent therein to consider the representation dated 29.01.2019 and the writ petition was disposed of by order dated 02.08.2021. Hence, the Court below has rightly dismissed the said application by order dated 02.08.2021 and hence, there is no illegality or irregularity in the order passed by the Court below and therefore, the aforesaid revision is liable to be dismissed.



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V.BHAVANI SUBBAROYAN, J.

msm

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