



CRP(MD).No.449 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRP(MD).No.449 of 2023
and
C.M.P(MD).No.2137 of 2023

K.R.Shanmugapriya .. Petitioner/Petitioner/2nd Defendant

Vs.

1.P.Durairaj ... Respondent/1st Respondent/Plaintiff
2.D.P.Raja ... Respondent/2nd Respondent/1st Defendant

PRAYER : Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed by the learned District Munsif, Melur in I.A.No.2 of 2020 in O.S.No.156 of 2014 dated 19.09.2022.

For Petitioner : Mr.V.Nagendran

ORDER

The second defendant in a suit for recovery of possession is the revision petitioner.

2. According to the plaintiff, the second defendant is a tenant in the first floor and despite termination of tenancy, she has not vacated the premises and hence, the suit has been filed for recovery of



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possession. However, it is the contention of the second defendant that she is not only in possession of the first floor, she is also in possession of the ground floor and second floor.

3. The second defendant had filed I.A.No.2 of 2020 for appointment of Advocate Commissioner to note down that the second defendant is in possession of the ground floor and second floor also. The said application has been dismissed. Challenging the same, the present revision petition has been filed.

4. The suit is for a recovery of possession from the second defendant, who is said to be residing in the first floor. The suit has not been filed for recovery of possession of ground floor and second floor. That apart, possession cannot be established by way of appointing an Advocate Commissioner. Therefore, I do not find any infirmity in the order passed by the trial Court. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

22.02.2023

Index : Yes / No



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Internet : Yes / No

Rmk

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To

The District Munsif, Melur.



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R.VIJAYAKUMAR ,J.,

Rmk

Order made in
CRP(MD).No.449 of 2023

Dated:
22.02.2023