



C.R.P(MD).No.687 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.687 of 2023

and

CMP(MD)No.3192 of 2023

Karthiyayini

... Petitioner/Petitioner/Plaintiff

Vs.

Vavu Ahamed Ishath

... Respondent/Respondent/Defendant

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.3 of 2022 in O.S.No.393 of 2021 dated 07.01.2023 on the file of the II Additional District Munsif Court, Tirunelveli and allow the petition.

For petitioner : Mr.S.Kumar

ORDER

This petition has been filed to set aside the fair and decreetal order passed by the II Additional District Munsif Court, Tirunelveli, in I.A.No. 3 of 2022 in O.S.No.393 of 2021, dated 07.01.2023.



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2. There is no merit in the present Civil Revision Petition filed against the impugned order passed by the Trial Court dismissing the I.A.No. 3 of 2022 filed by the petitioner in O.S.No.393 of 2021, in as much as the suit has been filed only for bare injunction. No application for appointment of an Advocate Commissioner can be countenanced in a suit filed for a bare injunction. It is open for the petitioner to bring evidence during trial regarding improvements made to the leased property.

3. Considering the above, the Civil Revision petition filed by the petitioner is liable to be dismissed. However, there shall be a direction to the II Additional District Munsif Court, Tirunelveli, to dispose the O.S.No.393 of 2021 as expeditiously as possible preferably within a period of 12 months from the date of receipt of a copy of this order.

4. Accordingly, this Civil Revision petition is dismissed with the above observation.

No costs. Consequently, the connected miscellaneous petition is closed.

15.03.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

- 1.The II Additional District Munsif Court,
Tirunelveli.
- 2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

C.SARAVANAN,J.

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