



C.R.P(MD).No.1495of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**C.R.P(MD).No.1495 of 2022
and
C.M.P(MD).No.6277 of 2022**

S.Kamarunisha Beevi ... Petitioner/Petitioner/1st Defendant

Vs.

1.M.Rasu ... 1st Respondent/Petitioner/Plaintiff

2.Kadayanallur Municipality Office,
Through its Commissioner,
Kadayanallur,
Tenkasi District. ... 2nd Respondent/ 2nd Respondent/
/2nd Defendant

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition and set aside the fair order and decretal order dated 10.08.2021 made in I.A.No. 2 of 2020 in O.S.No.532 of 2019 on the file of Principal Sub Court, Tenkasi.

For petitioner : Mr.A.Arumugam
for M/s.Ajmal Associates



C.R.P(MD).No.1495of 2022

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the fair order and decretal order dated 10.08.2021 made in I.A.No. 2 of 2020 in O.S.No.532 of 2019 on the file of Principal Sub Court, Tenkasi.

2.By the impugned order the Principal Sub Court, Tenkasi, has allowed I.A.No.2 of 2020 in O.S.No.532 of 2019 filed by the first respondent under Order XXVI Rule 9 of CPC for appointment of Advocate Commissioner to give a report.

3.The petitioner is the first defendant before the Principal Sub Court, Tenkasi, in O.S.No.532 of 2019. The suit has been filed for a declaration and for a permanent injunction.

4.Though the objection was raised by the petitioner, I do not find any merits in the challenge to the impugned order passed by the Principal Sub Court, Tenkasi in I.A.No.2 of 2020 in O.S.No.532 of 2019.

5.The report of the Advocate Commissioner is merely intended to aid the Court. It does not conclusively decide the facts in issue before the Court.



C.R.P(MD).No.1495of 2022

It is always open for the petitioner to challenge the report of Advocate
Commissioner pursuant to the order dated 10.08.2021 in I.A.No.2 of 2020.

6.With the above liberty, this Civil Revision Petition is dismissed. No
costs. Consequently, the connected miscellaneous petition is closed.

27.04.2023

NCC : Yes/No
Index : Yes/No
Internet:Yes/No
dss

To

- 1.The Principal Sub Court,
Tenkasi.
- 2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

dss

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