



C.R.P(MD)No.1076 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.08.2023

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(MD)No.1076 of 2019

and

C.M.P(MD)No.5841 of 2019

1.Maheswari

2.Muthukumar

3.Senthil Vel

4.Sasi kala

5.Kavitha

... Petitioners /Petitioners /Plaintiffs

Vs.

1.Chinnadurai @ Vaithialingam

2.Pazhaniyappan

3.Sargunan @ Vaithialingam

4.Navaneetham

5.Ayyathurai

6.Senthil

... Respondents /Respondents /Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order, dated 20.12.2018, in I.A.No.1227 of 2018, in O.S.No.49 of 2018, on the file of the District Munsif, Aranthangi.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.T.Lenin Kumar for R1

: No appearance for R2 to R6



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C.R.P(MD)No.1076 of 2019

ORDER

The learned counsel for the petitioners and the learned counsel for the first respondent are present.

2. The learned counsel for the petitioners would submit that they filed a suit for permanent injunction, and that the respondent is attempting to put up fencing. Therefore, they moved the application for appointment of Advocate Commissioner.

3. However, the above said contention was stoutly objected by the learned counsel for the first respondent.

4. But, the Court below, in his impugned order has stated that, in the Commission application, the petitioners did not state any reason as to the necessity for appointment of Commissioner and has ultimately dismissed the application.

5. I have given my anxious consideration to the either side submissions.



C.R.P(MD)No.1076 of 2019

6. From the submission of the learned counsel for the petitioners they wanted the appointment of Commissioner only to find out the encroachment which alledgely made by the respondent / defendant. But, while perusing the order, this Court could not find perversity in the order of the Court below.

7. At this juncture, it is also pertinent to mention here that the very suit is at the part heard stage, therefore, this Court could not find any ground to interfere with the well considered order of the Court below. Hence, the instant Civil Revision Petition stands **dismissed**.

8. However, considering the fact that the suit is in the part heard stage, the Court below is directed to dispose of the suit, as expeditiously as possible, preferably within a period of four months from the date of receipt of copy of this order. There shall be no order as to cost. Consequently, connected Miscellaneous Petition is closed.

14.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Ls



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C.KUMARAPPAN,J.

Ls

To

- 1.The District Munsif,
Aranthangi.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

C.R.P(MD)No.1076 of 2019

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