



C.R.P.(MD)No.2609 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2609 of 2023

and

C.M.P.(MD)No.13610 of 2023

C.C.Palanisamy

... Petitioner/
Petitioner/
Defendant

Vs.

M/s Rajapalayam Krishnama Rajapalayam Nadar
Uravin Murai represented by its Secretary

... Respondent/
Respondent/
Plaintiff

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this memorandum of civil revision petition and thereby set aside fair and decreetal order dated 27.06.2023 in I.A.No.2 of 2023 in O.S.No.123 of 2021 on the file of the District Munsif Court, Rajapalayam.

For Petitioner

: Mr.B.Rajesh Saravanan



C.R.P.(MD)No.2609 of 2023

WEB COPY

ORDER

The Civil Revision is directed against the order passed in I.A.No.2 of 2023 in O.S.No.123 of 2021 dated 27.06.2023 on the file of the District Munsif Court, Rajapalayam, dismissing the petition for appointment of Advocate Commissioner.

2. Heard the learned counsel appearing for the revision petitioner.

3. Admittedly, the respondent has filed a suit in O.S.No.123 of 2021 for recovery of possession, by terminating the tenancy. Admittedly, the revision petitioner has not disputed the tenancy with the respondent.

4. Moreover, as rightly observed by the learned trial Judge, in the earlier suits in O.S.Nos.119 of 2019 and 130 of 2019, the revision petitioner has admitted that he has taken a vacant land on lease. Moreover in the present suit, the existence of the alleged shed is not mentioned. Hence, the impugned order dismissing the petition cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.



C.R.P.(MD)No.2609 of 2023

5. In the result, this Civil Revision Petition is dismissed.

WEB COPY

Consequently, connected Miscellaneous Petition is closed. No costs.

12.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

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



WEB COPY



C.R.P.(MD)No.2609 of 2023

K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.2609 of 2023
and
C.M.P.(MD)No.13610 of 2023

Dated : 12.10.2023