



C.R.P.(MD)Nos.2607 and 2608 of 2023

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DATED: 11.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)Nos.2607 and 2608 of 2023

and

C.M.P.(MD)No.13607 of 2023

1. Subbaiah

2. Seenivasan

3. Saravanan

4. Somasundaram

... Petitioners/
Petitioners/
Petitioners in
both petitions

Vs.

Savariyammal

... Respondents/
Respondents/
Respondents in
both petitions

Common Prayer : These Civil Revision Petitions filed under Section 115 of CPC, to set aside the fair and decretal order dated 09.06.2023 in I.A.Nos.300 of 2023 and 301 of 2023 in O.S.No.97 of 2016 on the file of District Munsif Court, Aranthangi by allowing the Civil Revision Petitions.



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For Petitioners : Mr.R.Paranjothi

For Respondent : Mr.P.Mani Anandh

COMMON ORDER

These Civil Revision Petitions are directed against the orders passed in I.A.Nos.300 of 2023 and 301 of 2023 in O.S.No.97 of 2016 dated 09.06.2023 on the file of the District Munsif Court, Aranthangi, dismissing the applications, one application for appointing an Advocate Commissioner under Order 26 Rule 9 C.P.C. and other application for reopening the case.

2. The revision petitioners as plaintiffs have filed the suit in O.S.No. 97 of 2016 for bare injunction and subsequently amended the plaint claiming the reliefs of declaration and recovery of possession.

3. It is admitted by both the parties that an extent of 6 cents was purchased by the respondent/defendant from the first revision petitioner and his father vide sale deed dated 14.02.1985.



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4. The main contention of the revision petitioners is that the suit properties and the properties purchased by the respondent are to be measured with the help of the surveyor and with the help of the revenue records.

5. It is evident that the respondent has filed a revision before this Court in C.R.P.(MD)No.2376 of 2022 challenging the dismissal order passed in I.A.No.312 of 2022 in O.S.No.97 of 2016 and this Court, taking note of the fact that trial has already been commenced and plaintiff side evidence was closed, has disposed of the petition vide order dated 30.11.2022 directing the trial Court to dispose of the suit within a period of six months from the date of receipt of copy of that order.

6. It is not in dispute that the trial has already been completed and that when the case was posted for the defendant's side arguments, the above applications came to be filed.

7. The learned trial Judge, taking note of the evidence of P.W.1 and also the facts that the trial was at the fag end stage and that the



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appointment of a Commissioner is unnecessary, has rightly dismissed the applications. Hence, this Court is not inclined to interfere with the orders passed by the learned District Munsif, Aranthangi in I.A.Nos.300 and 301 of 2023 in O.S.No.97 of 2016 dated 09.06.2023. Consequently, this Court concludes that the revisions are devoid of merits and the same are liable to be dismissed.

8. In the result, these Civil Revision Petitions are dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

11.10.2023

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

To

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



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)Nos.2607 and 2608 of 2023
and
C.M.P.(MD)No.13607 of 2023

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