



C.R.P(MD)No.2188 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P(MD) No.2188 of 2019
and
C.M.P. (MD) No.11412 of 2019

1.R.Ganesan

2.R.Balu

3.R.Kannan

...Petitioners

Vs.

R.Rukmangathan

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 03.09.2019 passed in I.A.No.717 of 2019 in O.S.No.311 of 2018 on



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the file of the Principal District Munsif Court, Kumbakonam, and
allow this Civil Revision Petition.

For Petitioners : Mr.N.R.Balaji

For Respondent : Mrs.P.Yasmin Begum

ORDER

This Civil Revision Petition is filed against the order dated 03.09.2019 passed in I.A.No.717 of 2019 in O.S.No.311 of 2018 on the file of the Principal District Munsif Court, Kumbakonam.

2. The Revision Petitioners are the defendants and the respondent is the plaintiff in the suit in O.S.No.311 of 2018 on the file of the Principal District Munsif Court, Kumbakonam, filed for permanent injunction and also for mandatory injunction against the defendants not to interfere with the peaceful possession and enjoyment of the suit properties. In the said suit, the plaintiff filed



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an Interlocutory Application in I.A.No.717 of 2019 seeking appointment of an Advocate Commissioner. After hearing both sides, the Court below allowed the I.A.No.717 of 2019 by order, dated 03.09.2019 appointing the Advocate Commissioner to make a local inspection of the suit property. Assailing the same, the present Civil Revision Petition is filed.

3. During the course of hearing, the learned counsel for the respondent submits that in the light of the order, dated 03.09.2019 passed in I.A.No.717 of 2019, the Advocate Commissioner executed warrant and submitted a report to the Principal District Munsif, Kumbakonam on 19.07.2023.

4. On consideration of the same, it appears that the Civil Revision Petition is filed in the year 2019 and there is no stay granted by this Court and under those circumstances, the Advocate Commissioner appointed by the Court below has executed warrant and submitted his report on 19.07.2023.



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5. The learned counsel for the respondent also submitted that in the suit trial is commenced and it is posted for cross examination of P.W.1. Under these circumstances, in our considered view nothing survives in the Civil Revision Petition and accordingly, the Civil Revision Petition is liable to be dismissed.

6. Accordingly, this Civil Revision Petition is dismissed.

7. No costs.

8. Consequently, connected Civil Miscellaneous Petition is closed.

23.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
RM



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To

1.The Principal District Munsif,
Principal District Munsif Court,
Kumbakonam.



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BATTU DEVANAND, J.

RM

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