



C.R.P.(MD)Nos.2656 and 2657 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)Nos.2656 and 2657 of 2023

and

C.M.P.(MD)No.13852 and 13853 of 2023

Manikadan

... Petitioner in both
petitions

Vs.

S.Chellapandi

... Respondent in
both petitions

Common Prayer : These Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and executable order dated 11.08.2023 passed in I.A.Nos.1 and 2 of 2023 in O.S.No.481 of 2012 on the file of the Principal District Munsif, Thirumangalam.

(in both petitions)

For Petitioner

: Mr.Babu Rajendran

COMMON ORDER

These Civil Revisions are directed against the orders passed in I.A.Nos.1 of 2023 and 2 of 2023 in O.S.No.481 of 2012 dated 11.08.2023



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on the file of the Principal District Munsif Court, Thirumangalam, dismissing the petitions to reopen the case and for appointment of Advocate Commissioner.

2. The revision petitioner/plaintiff has filed a suit in O.S.No.481 of 2022 claiming relief of permanent injunction, restraining the respondent/defendant and his men and agents from in any way interfering with the peaceful possession and enjoyment of the suit property.

3. Admittedly, when the suit was posted for arguments, the above petitions came to be filed.

4. It is evident from the records that though the suit was originally filed for bare injunction in the year 2012, subsequently amendment petition was filed to add the relief to declare that the revision petitioner/plaintiff is the absolute owner of the suit property, in the year 2017 itself and the same was allowed.

5. In the affidavit filed in support of the commission petition, the revision petitioner/plaintiff has alleged that the respondent/defendant



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during cross-examination has stated that he had no objection for the appointment of an Advocate Commissioner. The learned trial Judge has specifically observed that D.W.1-defendant was cross-examined as earlier as on 08.01.2020 and as per the admission taken from him, the present petitions came to be filed only on 03.02.2023 at the stage of arguments, after obtaining more than 10 hearings for arguing the matter.

6. Considering the above, the impugned order dismissing the petitions cannot be found fault with. Hence, this Court is not inclined to interfere with the orders passed by the learned trial Judge.

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

13.10.2023

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



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K.MURALI SHANKAR,J.

csn

To

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

Order made in
C.R.P.(MD)Nos.2656 and 2657 of 2023
and
C.M.P.(MD)No.13852 and 13853 of 2023

Dated : 13.10.2023