



CRP.(MD)No.2944 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CRP.(MD)No.2944 of 2023

and

C.M.P.(MD)No.15232 of 2023

1.Muthuramalingam

2.Duraipandi

3.Anjammal

... Petitioners

Vs.

1.Mahalingam

2.Saradhambal

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the I.A.No.564 of 2022 in O.S.No.71 of 2021 on the file of the District Munsif, Aranthangi, Pudukkottai District dated 19.04.2023 by allowing this revision.

For Petitioners : Mr.M.Suresh

For R1 : Mr.V.K.Vijayarahavan



CRP.(MD)No.2944 of 2023

WEB COPY

ORDER

This civil revision petition is directed as against the order passed in I.A.No.564 of 2022 in O.S.No.71 of 2021 dated 19.04.2023 dismissing the Commission application.

2.The plaintiffs filed the above suit for permanent injunction restraining the defendants and their men from interfering with their peaceful possession and enjoyment of the suit property. The defendants by alleging that the plaintiffs are not in possession of the property and some other third party is in possession of the suit property, have sought for appointment of an Advocate Commissioner to note down the physical features of the property, which will enable the Court to decide the issues in the better manner.

3.The learned trial Judge, by considering the objection raised by the other side and taking note of the settled legal position that the Commissioner cannot be appointed to note down the possession of the property, dismissed the petition. A perusal of the records available would



CRP.(MD)No.2944 of 2023

WEB COPY

reveal that the petitioners have been attempting to show the possession indirectly by noting down the physical features and that cannot be permitted. Hence, the impugned order passed by the trial Court dismissing the Commission application cannot be found fault with and this Court concludes that this civil revision petition is devoid of merits and the same is liable to be dismissed.

4.In the result, this civil revision petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

09.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
gns

To

The District Munsif,
Aranthangi,
Pudukkottai District.



WEB COPY



CRP.(MD)No.2944 of 2023

K.MURALI SHANKAR,J.

gns

CRP.(MD)No.2944 of 2023

09.11.2023