



CRP Nos.925 and 928 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP Nos.925 and 928 of 2024
and CMP.Nos.4654 and 4657 of 2024

M.Bhaskaran

... Petitioner in both CRPs

Vs.

1.Krishnappan chettiyar

2.Dhanraj

... Respondents in both CRPs

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the order and decree dated 31.10.2023 in I.A.Nos.4 and 5 of 2023 in O.S.No.218 of 2019 on the file of Additional District Munsiff Court, Thiruvannamalai.

For Petitioner in both CRPs : Mr.K.Prabhakaran



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COMMON ORDER

The civil revision petitions are filed to set aside the order and decree dated 31.10.2023 in I.A.Nos.4 and 5 of 2023 in O.S.No.218 of 2019 on the file of Additional District Munsiff Court, Thiruvannamalai.

2. The petitioner is the plaintiff and the respondents are defendants in O.S.No.218 of 2019 on the file of the Additional District Munsiff Court, Tiruvannamalai. The plaintiff filed suit for permanent injunction.

3. The averments in the plaint is that the defendants denied the pathway in the suit plaint schedule properties. Therefore, plaintiff filed application in I.A.No.5 of 2023 in the suit under Order 26 Rule 9 of CPC for appointment of advocate commissioner to note down the physical features of the plaint schedule properties to expose the existence of pathway. By the impugned order dated 31.10.2023, the said prayer was rejected and IA was dismissed. Challenging the said order, this CRP is filed.

4. On perusal of records, the fact reveals that the revision petitioner is the plaintiff and he filed suit against the defendants in O.S.No.218 of 2019 on the file of the III Additional District Munsiff Court Court,



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Tiruvannamalai for permanent injunction.

5. Further, on perusal of records and impugned order, it is seen that the witnesses have been examined. On the plaintiff side, PW1 and PW2 were examined and documents were marked. On the defendants side, DW1 and DW2 were examined and on 07.08.2023 the trial completed and the suit has been posted for arguments. At this stage, this petitioner filed IA for appointment of advocate commissioner to note down the physical features of the plaint schedule properties. The trial Court found it is un-warranted hence, dismissed the petition filed by the petitioner.

6. I find no infirmity and no illegality in the impugned order and no merit in the civil revision petitions. Accordingly, the civil revision petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Internet: Yes/No

mpa

To

The Additional District Munsiff Court, Thiruvannamalai.



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V.SIVAGNANAM, J.

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