



CRP(MD).No.238 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

CRP(MD).No.238 of 2024 and
CMP(MD).No.1038 of 2024

Rajeswari

... Petitioner

Vs.

1.Dhanalakshmi
2.Naryanan
3.Balasubramanian
4.Poovayee

5.The District Collector,
Trichy District,
Trichy.

6.The Tahsildar,
Manachanallur Taluk,
Trichy District.

7.The Sub Registrar,
Sub Register Office,
Mannachanallur,
Trichy District.

... Respondents

PRAYER:- Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.3 of 2020 in O.S.No.249 of 2020 on the file of the District Munsif Court, Lalgudi, dated



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For Petitioner : Mr. T. Leninkumar
For R2 to R4 : Ms.K. Vidya
For R5 to R7 : Mr.J. Ashok
Additional Government Pleader

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order, dated 23.03.2023 passed in I.A.No.3 of 2020 in O.S.No. 249 of 2020 on the file of the District Munsif Court, Lalgudi,

2. The learned counsel appearing for the revision petitioner submitted that while purchasing the suit property the four boundaries and the extent of property mentioned by the seller is not proper. Based upon the above said document, the first respondent now sold the property to the rest of the respondents. Hence, in order to identify the property, the appointment of Commissioner is necessary.

3. The learned counsel appearing for the first respondent submitted that it is collusive suit between the petitioner and the first respondent herein.



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4. Whether the property that was sold by the first respondent to the revision petitioner is comprised in S.No.30/1C2 to an extent of 0.04 ares is correct or not is a matter for trial. The said application came to be dismissed by the trial Court stating that in order to prove his case, the revision petitioner / plaintiff has to produce the relevant documents, for which the appointment of Commissioner is not necessary. During the trial process, if the dispute arise with regard to the identity of the property and extent, at that time, the revision petitioner is at liberty to move fresh application for appointment of an Advocate Commissioner. There can be no bar for taking out the 2nd application based upon the evidence to be let in by the parties.

5. With the above said liberty, this Civil Revision Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

26.03.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp



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To

The District Munsif Court, Lalgudi,



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G.ILANGO VAN,J.

Trp

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