



C.R.P(MD)No.484 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.484 of 2024

in

C.M.P(MD)No.2443 of 2024

1.Pappa

2.Ramasubramanian

... Petitioners

Vs

1.Subbiah Pandidhar

2.Kannan

3.Kamala Kannan

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for records relating to the fair and decreetal order in I.A.No.11 of 2023 in O.S.No.221 of 2018 passed by the Principal District Munsif Court, Ambasamudharam dated 18.08.2023 and set aside the same by allowing the Civil Revision Petition.

For Petitioners : Mr.P.Narayanakumar



C.R.P(MD)No.484 of 2024

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ORDER

This Civil Revision Petition is filed to call for records relating to the fair and decreetal order in I.A.No.11 of 2023 in O.S.No.221 of 2018 passed by the Principal District Munsif Court, Ambasamudharam dated 18.08.2023 and set aside the same by allowing the Civil Revision Petition.

2. The suit in O.S.No.221 of 2018 was filed by the plaintiff herein seeking the relief of injunction. Pending the suit, a commissioner was appointed and he filed his report. Trial commenced and both sides evidence are over. At that time, a petition was taken out by the revision petitioner to reissue the commissioner warrant to ascertain the inlet septic tank line process in the house property. He wanted the commissioner warrant to be reissued. That petition was dismissed by stating that it is a matter for trial. Against which this Civil Revision Petition is filed.

3. Learned counsel for the petitioner would submit that during the course of evidence, the defendants have stated that only from their



C.R.P(MD)No.484 of 2024

property, the inlet pipeline comes to the septic tank. But the fact is contra. To decide that point only the above said commissioner must be directed to revisit the property.

4. Eventhough, it has been stated that there is an issue with regard to the location of the inlet pipeline, in the absence of the evidence of the commissioner, it may not be proper either for the trial Court or for this Court to direct any reissue of warrant. Let the commissioner be examined by the trial Court. After ascertaining the facts, if any necessity arises, the trial Court is at liberty to reissue the warrant to the same commissioner to ascertain the facts.

5. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently connected miscellaneous petition stands closed.

06.03.2024

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

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C.R.P(MD)No.484 of 2024

G.ILANGO VAN, J.

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To

- 1.The Principal District Munsif Court, Ambasamudharam.
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
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