



CRP(MD)No.296 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP(MD)No.296 of 2021

and

CMP(MD)No.1681 of 2021

A.Narayanan

... Petitioner/Petitioner/Plaintiff

Vs

R.Muthumari

... Respondent/Respondent/Defendant

Prayer:

This Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order in I.A.No.1358 of 2015 in O.S.No.159 of 2014, dated 27.11.2020 on the file of the learned District Munsif cum Judicial Magistrate No.I, Srivilliputtur.

For Petitioner : Mr.S.Muniyandi

**For Respondent : Ms.Lakshmi Gopinathan
for M/s.Polax Legal Solutions**



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ORDER

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The Civil Revision Petition is filed to set aside the fair and decreetal order made in I.A.No.1358 of 2015 in O.S.No.159 of 2014, dated 27.11.2020 on the file of the learned District Munsif cum Judicial Magistrate No.I, Srivilliputtur.

2.The petitioner/plaintiff, challenging the order passed in I.A.No.1358 of 2015 as against the appointment of Advocate Commissioner and the reports thereof, has filed the present petition.

3.According to the petitioner, the Advocate Commissioner had gone beyond the scope of warrant by contending that the measurement, which was stated in the warrant and the findings given by the petitioner are contradictory.

4.The learned counsel for the respondent submits that if the petitioner/plaintiff is aggrieved during the cross examination, he cannot cull out whatever the insistency or differences made by the Advocate Commissioner while conducting the inspection.



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5.Heard the learned counsel on either side and perused the materials available on record.

6.Admittedly, the Advocate Commissioner had submitted his report and an objection was raised by the petitioner contending that the Commissioner was not aware with regard to the measurement. This is nothing but an arithmetical calculation, whether it is always open to the petitioner to unearth the truth during the cross examination.

7.In view of the same, the order passed by the trial Court needs no interference and the order passed in I.A.No.1358 of 2015 in O.S.No.159 of 2014, by the learned District Munsif cum Judicial Magistrate No.I, Srivilliputtur, dated 27.11.2020, is hereby confirmed. Hence, the Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

26.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SENTHILKUMAR, J.

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To

The District Munsif cum Judicial Magistrate No.I, Srivilliputtur.

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