



C.R.P.(MD)No.617 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.617 of 2023

and

C.M.P.(MD)No.2856 of 2023

M.Vishwanathan

... Petitioner / Petitioner / Plaintiff

Vs.

R.Sagayamerryselvi

... Respondent / Respondent / Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.2 of 2020 in O.S.No.295 of 2020 on the file of the II Additional District Munsif Court, Trichirappalli, dated 16.09.2022 and allow this Civil Revision Petition.

For Petitioner : Mr.T.A.Ebenezer

For Respondent : No appearance

* * *

ORDER

Heard the learned counsel for the revision petitioner. The respondent has been served and her name is printed in the cause list but she has not chosen to enter appearance.



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2.The petitioner is the plaintiff in O.S.No.295 of 2020 on the file of the II Additional District Munsif, Trichirappalli. It is a suit for permanent injunction. The petitioner owns Plot No.4 while the respondent owns Plot No.5. According to the plaintiff, it is the case of boundary dispute. The learned counsel for the revision petitioner states that if advocate commissioner is appointed and he notes down the physical features of the petitioner's plot, the issue can be very easily adjudicated. I am also satisfied that appointing an advocate commissioner is not going to cause any prejudice to the respondent. On the other hand, it will aid in the adjudication of the issues involved. The respondent also has not appeared before this Court to contest the petitioner's request.

3.In this view of the matter, the impugned order is set aside and the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

24.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:
The II Additional District Munsif Court,
Trichirappalli.



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G.R.SWAMINATHAN, J.

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