



C.R.P(MD)No.777 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)Nos.777 and 778 of 2024
and CMP(MD)Nos.4316 of 2024

Kaliyamoorthy	...Petitioner/Respondent/Defendant (In both petitions)
	Vs.
Bharaneetharan @ Bharani	...Respondent/Petitioner/Plaintiff (In both petitions)

PRAYER in both petitions: Civil Revision Petitions are filed under Article 227 of Constitution of India to set aside the fair and decreetal order passed in I.A.Nos.706 and 707 of 2023 in O.S.No.285 of 2020 dated 01.02.2024 on the file of the Principal District Munsif Court, Kumbakonam.

For Petitioner : Mr.T.R.Subramanian

COMMON ORDER

These revisions are filed to set aside the fair and decreetal order passed in I.A.Nos.706 and 707 of 2023 in O.S.No. 285 of 2020 dated 01.02.2024 on the file of the Principal District Munsif Court, Kumbakonam.



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2. The learned counsel for the petitioner would submit that the respondent/plaintiff filed I.A.Nos.706 and 707 of 2023 to re-open the suit and for appointment of Advocate Commissioner and the said applications are allowed. He would further submit that in the suit, both sides evidence is already over and arguments of both side were also heard. At that time, I.A.Nos.706 and 707 of 2023 were filed. According to him, the trial court ought to have dismissed the said Interlocutory Applications. Hence, he prays to set aside the orders of the trial court.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. In the order of the trial court in paragraph No.5(4), in I.A.No.707 of 2023, it is stated that unless an Advocate Commissioner is appointed, the correct extent, which was encroached by the encroachers, cannot be identified. Therefore, the



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trial court allowed the petitions to re-open the suit and to file an Advocate Commissioner to find out the physical features of the suit property.

5. I find no reason to interfere with the finding of the trial court. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.03.2024

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

To

1. The Principal District Munsif Court, Kumbakonam.

2. The Section Officer,
V.R. Section, Madurai Bench of Madras High Court, Madurai.



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G. ILANGO VAN, J.

CM

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