



C.R.P(MD)No.831 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)No.831 of 2024
and CMP(MD)No.4640 of 2024

Periyaramasamy ...Petitioner/Petitioner/1st Defendant
Vs.
1.Selvaraj ...1st Respondent/1st Respondent/Plaintiff
2.Vanchammal
3.Vanchiappa Gounder
4.Shanmugawathi ...Respondents 2 to 4/
Respondents 2 to 4/Defendants 2 to 4

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decreetal order passed by the District Munsif, Oddanchatram made in I.A.No.14 of 2024 in O.S.No.23 of 2022 dated 01.02.2024.

For Petitioners : Mr.C.Ezhilarasu

ORDER

This revision is filed to set aside the fair and decreetal order passed by the District Munsif, Oddanchatram made in I.A.No. 14 of 2024 in O.S.No.23 of 2022 dated 01.02.2024.



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2. The learned counsel for the petitioner would submit that the petitioner filed O.S.NO.4 of 2022 for permanent injunction and in that suit, I.A.No.4 of 0222 was filed to appoint an Advocate Commissioner. The said application was allowed on 0109.2022. Thereafter, the 1st respondent herein/plaintiff has filed O.S.No.23 of 2022. He would further submit that since the two suit properties are same and he prayed before the learned District Munsif, Oddanchatram for joint trial. The said request was declined. Therefore, the petitioner filed I.A.No.14 of 2024 in O.S.No.23 of 2022 to appoint another Advocate Commissioner. The same was dismissed. Hence, the petitioner is before this Court.

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

4. In the impugned order, the trial court has stated that the petitioner has not satisfactorily explained how the Advocate Commissioner's report would solve the issue and the suit is not filed



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for resolving pathway issue. Further, as far as the stage of the suit is concerned, evidence of both sides are closed and the matter is posted for argument. In view of all these points, the trial court dismissed the petition.

5. I find no reason to interfere with the finding of the trial court. Accordingly, this Civil Revision Petition is 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 Additional District and Sessions Court, Dindigul

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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