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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED : 15.10.2024****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.R.P.(MD).No.1252 of 2024 and**
C.M.P.(MD)No.7208 of 2024

S.Anto Sahaya Raj

Rep. By his Attorney namely,
Jerold Mary.

... Petitioner / Plaintiff

Vs.

1. The District Collector,
Nagercoil, Nagercoil Village,
Agastheeswaram Taluk,
Kanyakumari District.
2. The Tahsildar,
Kalkulam, Kanyakumari District.
3. The Block Medical Officer,
Primary Health Centre,
Muttom, Muttom Post,
Kadiapattinam Village, Kalkulam Taluk,
Kanyakumari District.
4. Venial Satheesh,
S/o.Inbaraj,
President Full Gospel Pentekostal Church,
Muttom Branch, Kadamalaikuntu,
Mekkamandapam Post,



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Kothanalloor Village, Kalkulam Taluk,
Kanyakumari District.

Rep. by his power of attorney N.Selvakumar

(As per the order in I.A.No.4 of 2023 dated 24.04.2023)

... Respondents/ Defendants

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records of the fair and decreetal order passed in I.A.No.2 of 2022 in O.S.No.131 of 2022 dated 21.03.2024 on the file of the Subordinate Judge, Eraniel and set aside and allow the civil revision petition as prayed for.

For Petitioners : Mr.R.Senthil Kumar

For R-1 to R-3 : Mr.K.Balasubramani,
Special Government Pleader.

For R-4 : Mr.B.Brijesh Kishore

ORDER

Heard both sides.

2. The plaintiff in O.S.No.131 of 2022 on the file of the Sub Court, Eraniel is the revision petitioner herein. It is a suit for declaration and



permanent injunction. The plaintiff filed I.A.No.2 of 2022 for appointment of Advocate Commissioner. The Court below noted that no reason has been mentioned in the petition as to why local inspection by a Commissioner is necessary. There is no dispute regarding the identity of the property. Therefore, the Court below has rightly held that the title or possession can be proved only by documents and that the appointment of Advocate Commissioner is not going to help the Court to elicitate in any matter. The reason given by the Court below is sound. Interference is not warranted. This civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.10.2024

Index : yes/No
Internet: Yes/No
PMU

To

The Subordinate Judge,
Eraniel.



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G.R.SWAMINATHAN,J.

PMU

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