



C.R.P(MD)No.2037 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2037 of 2024
and
C.M.P(MD)No.11588 of 2024

Saleem

... Petitioner /
Petitioner /
Defendant

Vs.

1.Mohamed Fathima
2.Kadharammal
3.Periyaminna Ravuthar
4.Batharnisha
5.Konthakbegam
6.Chellapillaiammal
7.Ahamed Meeran
8.Chinnakathumeerkuttiammal
9.Syedhaiyammal

... Respondents /
Respondents /
Plaintiffs

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.03.2024 made in I.A.No.3 of 2023 in O.S.No.101 of 2021 on the file of District Munsif Court, Uthamapalayam.



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For Petitioner : Mr.E.Mareeskumar

For Respondents : Mr.V.Janakiramalu

ORDER

The defendant in O.S.No.101 of 2021 on the file of District Munsif Court, Uthamapalayam is the revision petitioner herein. The suit is for declaration and permanent injunction in respect of Survey No.507/1.

2.The defendant filed I.A.No.3 of 2023 for appointing Advocate Commissioner. According to the defendant, a building belonging to his brother, 23 coconut trees and one borewell are located at the suit property.

3.As rightly pointed out by the Court below, there is no dispute regarding the identity or measurement of the suit property. The burden is on the plaintiff to show that the suit property belongs to them and establish that the defendants are trying to interfere with their possession. Appointing Advocate Commissioner will not aid the adjudication of the issues raised in the suit. The Court below has given



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convincing reasons for dismissing the IA. In exercise of jurisdiction under Article 227 of Constitution of India, I am not inclined to interfere with the said order.

4.This Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The District Munsif Court,
Uthamapalayam.



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G.R.SWAMINATHAN, J.

MGA

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