



C.R.P. (PD)(MD).No.1371 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1371 of 2024

and

C.M.P(MD) No.8024 of 2024

1. Ramalakshmi

2. Karthigai Murugan

3. Mariappan

... Revision Petitioners/
Petitioners/Appellants

-vs-

1. S.T.Manoharan

2. Liyonaldu

... Respondents/
Respondents/
Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the decree and judgment dated 10.04.2024 passed by the Sub Court, Mudukulathur in I.A.No.3 of 2024 in A.S.No.11 of 2023.

For Petitioners : Mr.K.C.Ramalingam



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ORDER

The present Civil Revision Petition has been filed by the appellants/ defendants in A.S.No.11 of 2023, on the file of the Sub Court, Mudukulathur, challenging the order of dismissal of an application for appointment of an Advocate Commissioner.

2. A perusal of the records indicate that the respondents herein as the plaintiffs have filed the suit for permanent injunction and the suit was decreed. Challenging the same, the defendants/ revision petitioners have filed the first Appeal. Pending first appeal, the defendants have filed I.A.No.3 of 2024 for appointment of an Advocate Commissioner to note down the physical features of the property. Paragraph No.12 of the impugned order clearly points out that the plaintiffs have admitted the possession of the defendants in the suit schedule property.

3. Considering the fact that the suit is for permanent injunction, the entire burden is upon the plaintiffs to establish the possession over the suit schedule property and the application filed by the defendants for appointment of an Advocate Commissioner is an unnecessary one. It is for the first



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appellate Court to re-appreciate the oral and documentary evidence and to arrive at a finding after giving due opportunity to both the parties. In such circumstances, the dismissal of an application for appointment of an Advocate Commissioner is sustainable and there are no merits in the Civil Revision Petition.

4. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

27.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To
1. The Sub Court,
Mudukulathur.



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R.VIJAYAKUMAR,J.

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