



C.R.P.(MD)No.1959 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1959 of 2024
and
C.M.P.(MD)No.11134 of 2024

1.Soundarapandi

2.Karuthapandi

3.Sekar

4.Kuruvammal

... Petitioners / Respondents / Defendants

Vs.

Kanthasamy

... Respondent / Petitioner / Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 06.02.2024 passed in I.A.No.3 of 2023 in O.S.No.68 of 2022 on the file of the Sub Court, Aruppukottai by allowing this civil revision petition.

For Petitioners : Mr.S.Raja

For Respondent : Mr.T.Balaji



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ORDER

The defendants in O.S.No.68 of 2022 on the file of the Sub Court, Aruppukkottai are the revision petitioners herein. The suit is for declaration and permanent injunction. The case of the plaintiff is that he has purchased 3/4th share in the suit well. He would further claim that he has installed a bore well in the suit property and that he draws water from the bore well and fills the suit well and thereafter uses it for irrigation purposes. The existence of the bore well is denied by the defendants. It is for this reason that the plaintiff has filed an I.A.No.3 of 2023 for appointing an advocate commissioner. The court below vide order dated 06.02.2024 allowed the same.

2. I do not find any ground to interfere with the discretionary order passed by the court below. The learned counsel for the defendants strongly submitted that the issue between the parties has already been decided in an earlier suit. That may be so, but this is a contention to be advanced in the main hearing of the suit.



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3. In this view of the matter, the impugned order is sustained. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
rmi

To:

The Sub Court, Aruppukottai.



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G.R.SWAMINATHAN, J.

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