



1

C.R.P.(MD)No.1963 of 2024

WEB COPY

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.1963 of 2024 and
C.M.P.(MD)No.11147 of 2024

1. Periyasami
2. Seethaiammal
3. Dharmaraj

... Petitioners/Petitioners/
Defendants

Vs.

Arumugam (died)

1. Palaniyaandi
2. Chellayi
3. Pichaiammal
4. Selvi
5. Maruthai

... Respondents/Respondents/
Plaintiffs

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 01.02.2024 made in I.A.No.1 of 2023 in O.S.No.51 of 2011 on the file of the District Munsif, Thuraiyur.



2

C.R.P.(MD)No.1963 of 2024

For Petitioners : Mr.K.Prabhakar
For R-1 : Mr.H.Lakshmi Shankar
For R-2 to R-5 : No appearance.

ORDER

Heard both sides.

2. The defendants in O.S.No.51 of 2011 on the file of the District Munsif Court, Thuraiyur are the revision petitioners herein. It is a suit for declaration and permanent injunction. The petitioners herein filed I.A.No.1 of 2023 for appointment of Advocate Commissioner. It was dismissed vide order dated 01.02.2024. Questioning the same, this civil revision petition came to be filed.

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds of civil revision and called upon this Court to set aside the impugned order and grant relief as prayed for. I am not swayed by the said submission. As rightly pointed out by the learned counsel for the plaintiffs, the suit is of the year



2011 and this application for appointment of Advocate Commissioner was filed only in the year 2023 when P.W.1 was in the witness box. It was also seen that at the instance of the plaintiffs, an Advocate Commissioner was already appointed and the report was also obtained. The petitioners have not pointed out any mistake in the earlier Commissioner's report. No case has been set out as to why one more Commissioner has to be appointed.

4. Looked at from any angle, the request for appointment of Advocate Commissioner does not seem to be justified. 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

G.R.SWAMINATHAN,J.



WEB COPY



4

C.R.P.(MD)No.1963 of 2024

PMU

To
The District Munsif,
Thuraiyur.

C.R.P.(MD)No.1963 of 2024

15.10.2024