



C.R.P.(MD)No.2198 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2198 of 2024
and
C.M.P.(MD)No.12498 of 2024

1.Jayalakshmi

2.Janakiammal

3.Shanthi

... Petitioners/Respondents /Defendants

Vs.

1.Krishnammal

2.Rajalakshmi

3.Guruvammal

4.Nallasamy

5.Vasanthalakshmi

6.Mahalakshmi

7.Sridevi

8.Kalavathi

... Respondents / Petitioners / Plaintiffs



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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, as against the fair and decreetal order dated 19.03.2024 passed in I.A.No. 1 of 2023 in O.S.No.211 of 2016 on the file of the Additional District Munsif Court, Sankarankovil.

For Petitioners : Mr.R.J.Karthick
For Respondents : Mrs.S.Mahalakshmi
for R1 to R7

ORDER

Heard both sides.

2. The petitioners are figuring as defendants in O.S.No.211 of 2016 on the file of the Additional District Munsif Court, Sankarankovil. The suit is for the relief of declaration, mandatory injunction and permanent injunction. There are three suit schedules. 'C' schedule is said to be a water body. The plaintiffs would allege that the defendants have leveled up the channel. In these circumstances, I.A.No.1 of 2023 came to be filed for appointing an advocate commissioner to inspect the suit properties and submit a report after noting down the physical features and after due measurement and the said IA was allowed vide order dated 19.03.2024. Challenging the same, this civil revision petition came to be filed.



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3. The learned counsel appearing for the revision petitioners reiterated all the contentions set out in the memorandum of grounds of the revision petition. He submitted that the whole endeavour is to collect evidence. The learned counsel would point out that there is no dispute regarding the plaintiffs' title over 'A' schedule as well as 'B' schedule. It is also not in dispute that 'C' schedule is a channel. The defendants state that beyond the channel, there is a public road. But the defendants' land is located in between. I fail to understand as to how the impugned order will affect the rights of the revision petitioners. The petitioners will not suffer any prejudice by submission of the report by the advocate commissioner. It is for this reason I decline to interfere with the impugned order.

4. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.10.2024

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

To:

The Additional District Munsif Court, Sankarankovil.



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G.R.SWAMINATHAN, J.

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