



C.R.P(MD)No.2102 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2102 of 2024
and
C.M.P(MD)No.11994 of 2024

Thangavel

... Petitioner /
Petitioner /
8th Defendant

Vs.

Abdulkathar

... Respondent/
Respondent/
Plaintiff

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 01.07.2024 made in IA No.2 of 2024 in OS No.41 of 2007 on the file of the Principal District Munsif Court, Vendasandur and allow the above Civil Revision Petition

For Petitioner : Mr.J.Lawrance



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ORDER

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Heard the learned counsel for the revision petitioner.

2.The revision petitioner is one of the defendants in O.S.No.41 of 2007 on the file of Principal District Munsif Court, Vedasandur. The suit is for declaration and permanent injunction. The suit was instituted way back in the year 2007. While so the petitioner herein filed I.A.No.2 of 2024 for appointing Advocate Commissioner for ascertain the source of irrigation for the suit property. The Court below dismissed the said Interlocutory Application. Questioning the same, this Civil Revision Petition came to be filed.

3.The learned counsel for the revision petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court to set aside the impugned order and grant relief as prayed for.

4.I am not swayed by the submissions of the learned counsel for the revision petitioner. Considering the nature of relief sought for in the suit, appointing an Advocate Commissioner is not going to aid the



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adjudication of the issue raised in the suit. There is no dispute regarding the identity of the property. The Court below has given convincing reasons for dismissing the Interlocutory Application. In exercise of jurisdiction under Article 227 of the Constitution of India, I am not inclined to interfere.

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

05.09.2024

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

To

The Principal District Munsif Court,
Vedasandur.



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G.R.SWAMINATHAN, J.

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