



C.R.P.(MD)No.2194 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2194 of 2024

and

C.M.P.(MD)No.12466 of 2024

K.Vasanthi

... Petitioner/Petitioner/Plaintiff

Vs.

1.Natarajan

2.Devi

... Respondents/Respondents/Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 06.04.2024 passed in I.A.No.1 of 2024 in O.S.No.20 of 2018 on the file of the District Munsif Cum Judicial Magistrate Court, Rameshwaram by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Vashik Ali

* * *

ORDER

Heard the learned counsel for the revision petitioner.



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2.The plaintiff in O.S.No.20 of 2018 on the file of the District Munsif Court, Rameswaram is the revision petitioner herein. She filed I.A.No.1 of 2024 for re-issuance of warrant to the advocate commissioner who was earlier appointed and who had submitted his report. The I.A. was dismissed vide order dated 06.04.2024. Questioning the same, the present civil revision petition has been filed.

3.The learned counsel for the revision petitioner reiterated all he contentions set out in the memorandum of grounds of revision and called upon this Court to set aside the impugned order and allow the civil revision petition as prayed for. The learned counsel for the revision petitioner was at pains to emphasize that granting relief in this civil revision petition will only aid cause of justice.

4.I did find the contentions of the learned counsel for the revision petitioner to be quite attractive. But I am not able to admit the civil revision petition for more reasons than one. Firstly, the advocate commissioner who was earlier appointed had submitted his report way back on 21.09.2021. When the plaintiff was cross examined on 17.11.2022, the plaintiff had replied that she did not offer her objections or seek re-issuance of warrant. Even before



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filing I.A.No.1 of 2024, no petition was filed for scrapping the report earlier submitted. More than anything else, the case is now posted for argument of the defendants.

5.The suit itself is one for declaration and recovery of possession. The Court below had passed a detailed order and given solid and convincing reasons for dismissing the I.A. Interference in exercise of jurisdiction under Article 227 of the Constitution of India is not warranted. The civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ias

To:

The District Munsif Cum Judicial Magistrate Court,
Rameshwaram.



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G.R.SWAMINATHAN, J.

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