



C.R.P(MD)No.2130 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.2130 of 2024
and
C.M.P(MD)No.12136 of 2024

Priya

... Petitioner /
4th Respondent /
4th Defendant

Vs.

1.Palanichamy
2.Karuthakannu @ Vairaperumal

... Respondents 1 & 2/
Petitioners /
Plaintiffs

3.Backiyalatchumi
4.Thangaraj
5.Palaniappan

... Respondents 3 to 5/
Respondents 1 to 3/
Defendants 1 to 3

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and order passed by the learned Sub Judge, Manapparai in I.A.No.6 of 2023 in O.S.No.187 of 2023 dated 20-08-2024 and thereby allow the civil revision petition.

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For Petitioner : Mr.S.Srinivasaraghavan
for Mr.A.Azhageson

For Respondents : Mr.A.Manikandan

ORDER

Heard both sides.

2.The fourth defendant in O.S.No.187 of 2023 on the file of Sub Court, Manapparai is the revision petitioner herein. The suit is for declaration and recovery of possession. The plaintiffs filed I.A.No.6 of 2023 for appointment of an Advocate Commissioner. It was allowed vide order dated 20.08.2024. Questioning the same, this Civil Revision Petition came to be filed.

3.The learned counsel for the respondents submitted that the impugned order is well reasoned and that it does not warrant interference.

4.I am not swayed by the submissions of the learned counsel for the plaintiffs. As rightly pointed out by the learned counsel for the



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revision petitioner, appointment of Advocate Commissioner is absolutely unnecessary in this case. When the suit is for recovery of possession and there is no dispute regarding the identity of the suit second item, the question of appointing Advocate Commissioner to conduct local inspection and note down the features of the second item does not arise at all. The Court below ought not to have allowed I.A.No.6 of 2023. The impugned order is set aside.

5.This Civil Revision Petition is allowed accordingly. 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 Sub Judge,
Manapparai.

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G.R.SWAMINATHAN, J.

MGA

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