



C.R.P.(MD)No.2381 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2381 of 2024
and
C.M.P.(MD)No.13493 of 2024

1.Arjunan

2.Subbammal

... Petitioners / Petitioners / Petitioners /

Defendants

Vs.

Pappathi

... Respondent / Respondent / Respondent
Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to pass an order revising the fair and decreetal order as passed by the learned District Munsif Court, Thuraiyur, Trichy District made in I.A.No.1 of 2023 in O.S.No.28 of 2017, dated 28.06.2024 of dismissing the application filed under Order 26 Rule 9 of C.P.C for re-issue to the appointment of another advocate commissioner forthwith..

For Petitioners : Mr.K.Prakash



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ORDER

Heard the learned counsel appearing for the revision petitioner.

2. The revision petitioners are figuring as defendants in O.S.No.28 of 2017 on the file of the District Munsif Court, Thuraiyur. The petitioners filed I.A.No.1 of 2023 for re-issuance of warrant and for appointment of new advocate commissioner. IA was dismissed vide order dated 28.06.2024. Questioning the same, this civil revision petition came to be filed.

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

4. I am not swayed by the submission of the learned counsel appearing for the revision petitioners. The suit is one for mere injunction. There is no dispute regarding the identity of the property. That apart, as rightly pointed out by the court below, the advocate commissioner's report was submitted way back in the year 2017. When inspection took place, both the parties were present. Even objection was not submitted in response to the advocate commissioner's



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report. That is why, the court below had taken the view that after keeping quiet for more than five years, the present application has been needlessly filed.

5. In this view of the matter, the court below rightly rejected IA filed by the petitioners herein. Interference is not warranted. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.10.2024

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

To:

The District Munsif Court, Thuraiyur, Trichy District.



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G.R.SWAMINATHAN, J.

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