



C.R.P.(MD)No.2382 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.10.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

C.R.P.(MD)No.2382 of 2024  
and  
C.M.P.(MD)No.13494 of 2024

S.Karpagamaharajan

... Petitioner / Petitioner / Plaintiff

Vs.

1.Bhagavathiappan

2.Gunasekaran

... Respondents / Respondents / Defendants

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.247 of 2021 in O.S.No.88 of 2021 on the file of the learned District Munsif cum Judicial Magistrate No.1, Kodaikanal dated 06.06.2024.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu

### **ORDER**

Heard the learned counsel appearing for the revision petitioner.



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2. The revision petitioner is figuring as plaintiff in O.S.No.88 of 2021 on the file of the District Munsif Court cum Judicial Magistrate No.1, Kodaikanal. The plaintiff filed I.A.No.247 of 2021 for appointment of advocate commissioner. It was dismissed vide order dated 06.06.2024. Questioning the same, this civil revision petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds of revision 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 petitioner. The suit is one for mere injunction. There is no dispute regarding the identity of the property. In these circumstances, the court below rightly came to the conclusion that an advocate commissioner's appointment is not really necessary. Interference with the impugned order is not warranted.

5. 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  
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**To:**  
The District Munsif cum Judicial Magistrate No.1, Kodaikanal.



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**G.R.SWAMINATHAN, J.**

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