



C.R.P(MD)No.2087 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2087 of 2019
and
C.M.P(MD)No.10875 of 2019

P.A.Ramasamy

... Petitioner /Petitioner/
2nd Defendant

Vs.

1.N.Chinnasamy

2.Thangammal

...Respondents/Respondents/
Plaintiffs

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 13.04.2017 passed in I.A.No.103 of 2016 in O.S.No.428 of 2014 on the file of Additional Sub-Court, Karur.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.E.K.Kumaresan

ORDER

The present revision petition has been filed by the 2nd defendant in

O.S.No.428 of 2014 on the file of Additional Sub Court, Karur.



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2. The respondents herein had filed the above suit for the relief of declaration of title, recovery of possession and for mandatory injunction for removal of illegal constructions. Pending suit, the 2nd defendant had filed I.A.No.103 of 2016 for appointment of Advocate Commissioner to note down the physical features of the property. The said application has been dismissed. Challenging the same, the present revision petition has been filed.

3. According to the learned counsel appearing for the revision petitioner, a dwelling house has been put up in the subject matter of the suit property and therefore, in order to record the same, appointment of Advocate Commissioner is necessary.

4. A perusal of the plaint clearly establishes that the plaintiff admits that there is a huge construction in the suit schedule property and for removal of the said construction, he has prayed for mandatory injunction. Therefore, appointment of an Advocate Commissioner is not necessary. The trial Court has rightly dismissed the said application. I do not find any merits in the revision petition.



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5. Hence, this Civil Revision Petition stands dismissed. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

18.04.2024

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

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To

- 1.The Additional Sub-Court,
Karur.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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