



C.R.P.(MD)No.2820 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.2820 of 2023
and C.M.P.(MD).No.14676 of 2023

C.Baby Kamala

... Petitioner/Petitioner/Plaintiff

Vs.

1.T.Jayanthi

2.S.Rajesh

... 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.1 of 2022 in O.S.No.12 of 2021, dated 17.07.2023 on the file of the Additional District Munsif Court, Kuzhithurai.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.P.Senthil

ORDER

This civil revision petition has been filed against the order of dismissal passed by the trial Court in I.A.No.1 of 2022 in O.S.No.12 of 2021.



C.R.P.(MD)No.2820 of 2023

WEB COPY

2.Suit in O.S.No.12 of 2021 is filed by the revision petitioner herein seeking the relief of declaration, recovery of possession, mandatory injunction, consequential permanent injunction, etc. The defendants entered appearance and pending the further process I.A.No.1 of 2022 is taken out by the petitioner herein seeking appointment of Commissioner. That came to be dismissed. Against which this revision petition has been preferred.

3.Reading of the order passed by the trial Court does not indicate the issue with regard to the physical features. It is admitted by the respondent himself that compound wall has been put up and there is a rival title over the pathway. For that purpose no necessity for appointment of commissioner arises.

4.I find absolutely no reason to interfere into the above said order. If any necessity arises during the course of evidence, to bring on record relevant facts, the trial Court may take into account the same and can proceed in accordance with law.



C.R.P.(MD)No.2820 of 2023

5. With the above said directions, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.03.2024

Index : Yes / No
Internet : Yes / No
TM

To

1. The District Munsif, Kuzhithurai.
2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.R.P.(MD)No.2820 of 2023

G.ILANGO VAN,J.

TM

C.R.P.(MD)No.2820 of 2023

21.03.2024