



C.R.P(MD)No.2562 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.2562 of 2022
and
C.M.P(MD)No.12584 of 2022

1.K.Vijayalakshmi

2.K.Krishnamoorthy

3.P.Arumugam

... Petitioners

Vs.

1.R.Manoharan

2.R.Selvam

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition and set aside the fair and decreetal order, dated 21.09.2022 made in I.A.No.3 of 2022 in O.S.No.139 of 2022 on the file of the District Munsif Court, Duraiyur.



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For Petitioners : Mr.V.Meenakshisundaram
for Mr.K.Muthumalai

For Respondents : Mr.K.Navaneetha Raja

ORDER

This Civil Revision Petition is preferred against the order passed in I.A.No.3 of 2022 in O.S.No.139 of 2022 on the file of the District Munsif Court, Duraiyur.

2. The revision petitioners are the defendants in the above suit. The respondents as plaintiffs filed the suit in O.S.No.139 of 2022 for declaration and for injunction. Pending suit, the respondents / plaintiffs took out an application in I.A.No.3 of 2022 for appointment of Advocate Commissioner to visit and measure the suit property. The said petition was allowed by the Trial Court. Aggrieved by this, the present revision is preferred.



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3. According to the learned Counsel for the revision petitioner, before numbering this revision petition, Advocate Commissioner has visited the suit property and filed his report and plan. Hence, prays for a liberty to file his objections to the report and the plan of the Advocate Commissioner.

4. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents and perused the materials available on record.

5. Since the Advocate Commissioner has filed his report and plan before the disposal of this revision petition, nothing survives in this revision application for adjudication. However, liberty is given to the revision petitioners to file their objection before the Trial Court. The Trial Court shall consider the same on its own merits and in accordance with law.



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6. With the above mentioned direction, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

16.12.2024

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

To

The District Munsif Court,
Duraiyur.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
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16.12.2024