



C.R.P(MD)No.2429 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2429 of 2024
and
C.M.P(MD)No.13656 of 2024

1.T.Vijaya

2.T.Karthikeyan

3.T.Suthanandhini

4.T.Manonandhini

... Revision Petitioners/
Petitioners /
Plaintiffs

Vs.

1.Gurusamy

2.Senthil

3.Krishnaveni

... Respondents /
Respondents /
Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside order dated 16.08.2023 made in



C.R.P(MD)No.2429 of 2024

I.A.No.698 of 2022 in O.S.No.49 of 2009 on the file of the District Munsif Court, Ramanthapuram, Ramanathapuram District by allowing this Civil Revision Petition.

For Petitioners : Mr.D.Balamuruga Pandi

ORDER

Heard the learned counsel appearing for the revision petitioners.

2.The revision petitioners are the plaintiffs in O.S.No.49 of 2009 on the file of the District Munsif Court, Ramanathapuram, Ramanathapuram District. The suit is for declaration, recovery of possession and for mandatory injunction. In the said suit, the petitioners filed I.A.No.698 of 2022 for reopening their side. The purpose of IA is to scrap the report of the earlier Advocate Commissioner and to appoint a new Advocate Commissioner to inspect the suit property and for submission of report. The Court below vide order dated 16.08.2023 dismissed the IA. Questioning the same, this Civil Revision Petition came to be filed.



C.R.P(MD)No.2429 of 2024

WEB COPY

3.The learned counsel for the revision petitioners reiterated all the contentions set out in the memorandum 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 submissions of the learned counsel for the petitioners. It is seen that the suit was filed way back in the year 2009. It was posted for arguments on 13.04.2022 itself. The Court below has recorded that the case was adjourned as many as 12 occasions from 13.04.2022 till 01.12.2022 for advancing arguments. In these circumstances, the present IA came to be filed. Advocate Commissioner was appointed in I.A.No.1004 of 2018. Opportunity was given from 13.04.2018 till 11.06.2018 to offer objections. No objection was lodged. In these circumstances, the Court below rightly came to the conclusion that the prayer in I.A.No.698 of 2022 for reopening the plaintiffs' side for appointing a new Advocate Commissioner is not acceptable. The reasons given by the Court below are sound. Interference is not warranted.



C.R.P(MD)No.2429 of 2024

5.This Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.10.2024

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

To

The District Munsif Court,
Ramanthapuram,
Ramanathapuram District.



WEB COPY



C.R.P(MD)No.2429 of 2024

G.R.SWAMINATHAN, J.

MGA

C.R.P(MD)No.2429 of 2024

04.10.2024