



C.R.P.(PD)(MD).No.343 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD).No.343 of 2025
and CMP(MD).No.1942 of 2025

Kaliaperumal (died)

1.K.Palanivelu

2.K.Rajendran

3.K.Govindaraj

4.K.Marimuthu

5.M.K.Selvam

K.Anjali Ammal(died)

6.M.Mallika

7.S.Lakshmi

... Petitioners/Petitioners/Plaintiffs

-vs-

Mahalingam (died)

Seethalakshmi (died)

1.Karpagam

2.Kathiravan

3.Kanmani

4.Kanimozhi

5.Duraimurugan

6.Kalaiselvan

...Respondents/Respondents/Defendants



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PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the impugned order dated 17.10.2024 passed in I.A.No.1 of 2019 in O.S.No.1 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Thiruvudaimaruthur, Thanjavur District.

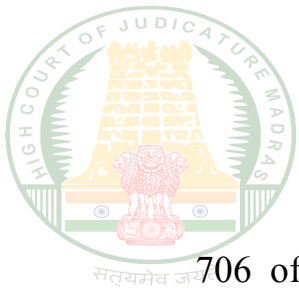
For Petitioners : M/s.T.Banumathy

ORDER

The plaintiffs in O.S.No.1 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Thiruvudaimaruthur are the revision petitioners herein.

2.The said suit was filed for the relief of permanent injunction restraining the defendants from interfering peaceful possession and enjoyment of the suit property of the plaintiffs. A perusal of the averments reveal that the suit has been filed contending that the defendants are the northern side owner of the suit schedule property for an extent of 0.02.5 (6 cents) Aers in R.S.No.15/6D2.

3.Pending suit, the plaintiffs had filed I.A.No.331 of 2002 for appointment of Advocate Commissioner and a report and plan were filed pursuant to the orders passed therein. Again the plaintiffs had filed I.A.No.



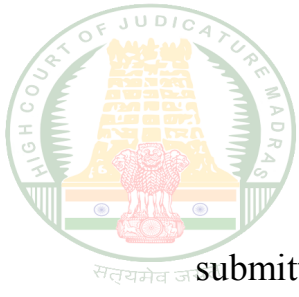
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706 of 2002 to measure the suit schedule property and the same was allowed. The plaintiffs had filed I.A.No.48 of 2006 in which an order was passed reissuing the warrant to the Advocate Commissioner. Challenging the same, the defendants had filed CRP(MD).1049 of 2006 and the said revision petition was dismissed. Thereafter, the Advocate Commissioner, with the help of surveyor, has inspected the suit schedule property and had filed his report and plan on 15.11.2008.

4.The plaintiffs had filed I.A.No.1 of 2019 on 17.03.2015 to scrap the Commissioner's report. This application was initially numbered as I.A.No.179 of 2015 before the District Munsif Court Kumbakonam and later, it was transferred to District Munsif Cum Judicial Magistrate at Thiruvaidaimaruthur and it is renumbered as I.A.No.1 of 2019. The plaintiffs had prayed for scraping the commissioner's report and to appoint a fresh advocate commissioner. This application has been dismissed by the trial Court on 17.10.2024. Challenging the same, the present civil revision petition has been filed.

5.The facts narrated above will clearly indicate that the Advocate Commissioner has thrice visited the property and filed his report and plan. The last visit was made pursuant to the orders of this Court and report was



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submitted on 15.11.2008 and the present application to scrap the commissioner's report has been filed only on 17.03.2015, after a delay of 7 years. The trial Court has rightly found that the application has been filed belatedly only to drag on the proceedings. There is no illegality or infirmity in the order passed by the trial Court and there is no merits in the revision petition.

6.In view of the above said facts, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.02.2025

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



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To

1. The District Munsif Cum Judicial Magistrate,
Thiruvidaimaruthur, Thanjavur District.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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