

C.R.P(MD)No.374 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.374 of 2025

and

C.M.P(MD)No.2125 of 2025

1.I.Alangaram Fernandu

2.A.Aster

3.A.Yogesh

4.I.Arulandam Singam Fernandu

5.A.Yovan

6.A.Sanjai

7.P.Michal

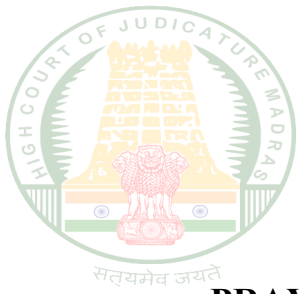
8.P.Innasi Susai Raja

... Petitioners/Respondents/
Defendants

Vs.

Singam Lieon

... Respondent/ Petitioner/
Plaintiff



C.R.P(MD)No.374 of 2025

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records in I.A.No.1 of 2023 in O.S.No.12 of 2022, dated 17.10.2024 in the Court of the District Munsif cum Judicial Magistrate Court, Kadaladi in Ramanathapuram District and to set aside the same.

For Petitioners : Mr.S.A.Ajmal Khan

ORDER

The defendants in O.S.No.12 of 2022 on the file of District Munsif cum Judicial Magistrate Court, Kadaladi are the revision petitioners herein, challenging the order of appointment of Advocate Commissioner.

2. The respondent herein as plaintiff has filed the above said suit for the relief of declaration of title and permanent injunction with regard to an extent of 1 acre 69 ½ cents in survey no.230/1A. Along with the plaint, the plaintiff had filed two rough sketches to identify the suit schedule property.



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3. A perusal of the written statement filed by the defendants reveal that the defendants not only disputed the identity of the suit schedule property, but had also contended that both the rough sketches filed by the plaintiff are imaginary in nature. Therefore, it is clear that there is a serious dispute with regard to the lie and location of the suit schedule property.

4. In all cases where the identity of the suit schedule property is disputed, the same cannot be proved either through oral evidence or through documentary evidence. Unless an Advocate Commissioner visits the property, measures the same with the help of a Surveyor and files a plan, it will be difficult for the Court to adjudicate upon the matter. The trial Court has rightly allowed the application and appointed an Advocate Commissioner. In fact, the report of the Commissioner and the plan to be filed by the Commissioner would be helpful to the defendants to defend their suit. In such circumstances, this Court does not find any merit in the revision petitioner.



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

Consequently, connected Miscellaneous Petition is closed.

12.02.2025

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

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To

- 1.The District Munsif cum
Judicial Magistrate Court,
Kadaladi,
Ramanathapuram District.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.374 of 2025

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