



WEB COPY

DATED: 04.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1078 of 2025

and

C.M.P(MD)No.5853 of 2025

1.P.Subramaniam

2.C.Rajendran

P.Ganesan (Died)

...Petitioners/Petitioners/Plaintiffs

Vs.

1.Manogaran

Thiyagarajan Chettiar (Died)

2.Sivabharathi

3.Prabu

...Respondents/Respondents

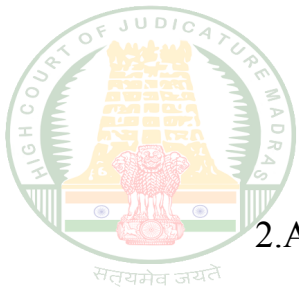
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 24.02.2025 made in I.A.No. 7 of 2025 in O.S.No.98 of 2016 on the file of the District Munsif Court, Melur, by allowing the Civil Revision Petition.

For Petitioners : Mr.A.K.Manikkam

* * * * *

ORDER

The plaintiffs in O.S.No.98 of 2016, on the file of the District Munsif Court, Melur, has filed the present revision petition challenging the dismissal of their application for appointment of Advocate commissioner.



WEB COPY

2.A perusal of the plaint reveals that the suit has been filed for the relief of permanent injunction not to disturb possession unless by due process of law.

The plaintiffs have claimed that they are cultivating tenants of the suit schedule property. Nine years, after the suit, the plaintiff has filed I.A.No.7 of 2025, for appointment of Advocate Commissioner to note down the physical features of the property. The said application came to be dismissed by the trial Court. Challenging the same, the present revision petition has been filed.

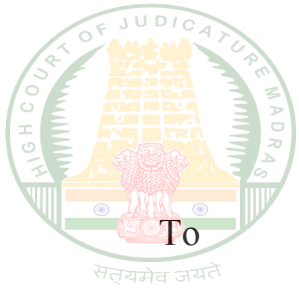
3.A perusal of the order passed by the trial Court reveals that since it is a suit for permanent injunction on the ground that the plaintiffs are in possession of the property, the question of appointment of Advocate Commissioner to collect the evidence does not arise. In case, if the plaintiffs want to prove that there is thatched shed or any building in the suit schedule property, it is for them to establish the same by way of producing appropriate records.

4.Therefore, there are no merits in the revision petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

04.04.2025

Internet:Yes/No
Index:Yes/No
RJR

<https://www.mhc.tn.gov.in/judis>



WEB COPY
The learned District Munsif,
Melur.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

C.R.P.(PD)(MD)No.1078 of 2025

04.04.2025