

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1288 of 2021

and

C.M.P.(MD).No.7488 of 2021

Chithra

...Petitioner

Vs.

1.T.Dhanam

2.Gopal

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the *ex parte* order dated 30.07.2019 in I.A.No.1 of 2019 in O.S.No.61 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Thirupathur, Sivagangai District.

For Petitioner : Mr.M.Sudha Rani

For Respondents : Mr.T.Venkadesh

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ORDER

This petition has been filed seeking orders to set aside the *ex parte* order dated 30.07.2019 in I.A.No.1 of 2019 in O.S.No.61 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Thirupathur, Sivagangai District.

2. The petitioner herein is the plaintiff and the respondents herein are the defendants in the suit in O.S.No.61 of 2017.

3. The petitioner herein filed a suit in O.S. No.61 of 2017 before the learned District Munsif cum Judicial Magistrate, Thirupathur, Sivagangai District, seeking permanent injunction restraining the respondents and their men from in any manner interfering with the petitioner's peaceful possession and enjoyment of the suit property. During the pendency of the suit, the respondents filed a petition in I.A. No.1 of 2019 before the learned District Munsif cum Judicial Magistrate, Thirupathur, Sivagangai District, seeking appointment of an Advocate Commissioner to note down the physical features of the suit property with the help of a Town Surveyor. Since the petitioner remained *ex parte*, an *ex parte* order came to be passed on 30.07.2019. Challenging the same, the present petition has been filed.



4. The learned counsel appearing for the petitioner would submit that this Court may be pleased to permit the petitioner to file objections before the trial Court, in the event the report of the Advocate Commissioner is found to be contrary to the documents and other materials on record. He would further submit that the trial Court, without affording an opportunity to the petitioner, had allowed the Interlocutory Application by passing an *ex parte* order, which is not sustainable in law.

5. The learned counsel appearing for the respondents has no objections.

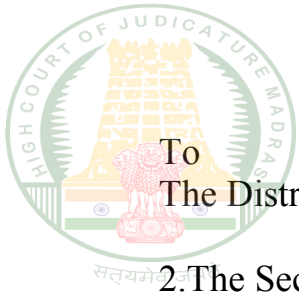
6. In the result, this Civil Revision Petition is disposed of without interfering with the order dated 30.07.2019 passed in I.A.No.1 of 2019 in O.S.No.61 of 2017 on the file of the learned District Munsif-cum-Judicial Magistrate, Thirupathur, Sivagangai District. However, liberty is granted to the petitioner to file objections before the trial Court, in the event the report of the Advocate Commissioner is found to be contrary to the petitioner's interest. No costs. Consequently, the connected miscellaneous petition is closed.

12.06.2025

Internet: Yes/No

Index: Yes/No

TSG



C.R.P.(PD)(MD)No.1288 of 2017



To
The District Munsif cum Judicial Magistrate, Thirupathur, Sivagangai District.

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



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M.DHANDAPANI, J.

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