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DATED: 06.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD)No.1687 of 2022

and

C.M.P.(MD)No.7414 of 2022

1.Sundaralingam
2.Gnanavalli
3.Sekar

... Petitioners/Petitioners/Defendants

Vs.

Mustafa

... Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order, dated 13.06.2022, passed by the Subordinate Judge, Manapparai, in I.A.No.1 of 2021 in O.S.No.41 of 2020 and set aside the same and allow this revision.

For Petitioners : M/s.T.Vadivelan

For Respondent : Mr.P.Banu Prasath

* * * * *

ORDER

The defendants in O.S.No.41 of 2020, on the file of the Sub Court, Manapparai, are the revision petitioners herein.



2.The respondent herein as plaintiff has filed the above said suit for recovery of a sum of Rs.2,31,000/- which was paid as an advance amount, pursuant to an agricultural lease entered into between the plaintiff and the defendants on 11.09.2008. As per the case of the plaintiff, the above said advance amount was paid under the lease deed for a period of 5 years. After the expiry of period of 5 years, the plaintiff has vacated the property and therefore, he seeks refund of the above said amount.

3.Pending suit, the defendants had filed I.A.No.1 of 2021 for appointment of an Advocate Commissioner to note down the number of coconut trees and the Well located in the suit schedule property. This application has been dismissed by the trial Court on the ground that the suit is for recovery of money and therefore, the appointment of Advocate Commissioner is not necessary. Challenging the same, the present revision petition has been filed.

4.A perusal of the plaint averments would clearly indicate that the plaintiff has sought to recover the alleged advance amount paid to the defendants at the time of taking the agricultural property on lease for a period of five years from 11.09.2008 onwards. According to the plaintiff, since the advance amount was not returned after the termination of the lease, the suit has been filed. In the said circumstances, it is not necessary to note down the



number of coconut trees or the Well located in the suit schedule property.

Therefore, the trial Court had rightly dismissed the application for appointment of the Advocate Commissioner.

5.In view of the above said facts, there are no merits in the revision petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

06.02.2025

Internet:Yes/No
Index:Yes/No
RJR

To

The learned Subordinate Judge, Manapparai.



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R.VIJAYAKUMAR, J.

RJR

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