



C.R.P.(PD)(MD)No.1931 of 2022

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1931 of 2022

and

C.M.P(MD)No.8781 of 2022

E.Palanivelrajan

...Petitioner/Plaintiff

Vs.

1.B.Rohini

2.B.Amaran

3.S.Kartheeswari

4.G.Ganesan

...Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and ex-order made in I.A.No.251 of 2022 in O.S.No.787 of 2019, dated 05.08.2022 on the file of the II Additional Sub Court, Madurai.

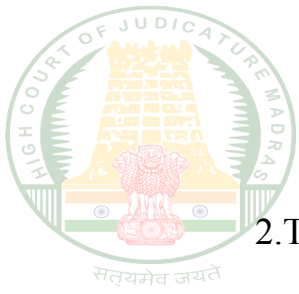
For Petitioner : Mr.T.K.Gopalan

For Respondent : Mr.P.Ganapathi Subramanian

* * * * *

ORDER

The plaintiff in O.S.No.787 of 2019, on the file of the II Additional Sub Court, Madurai, has filed the present revision petition, challenging the dismissal of his application for appointment of Advocate Commissioner.



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2.The above said suit had been filed for the relief of declaration of title and permanent injunction for an extent of 6 cents in R.S.No.102/4. When the suit was posted for the defendants side evidence, the plaintiff had filed I.A.No. 251 of 2022 for appointment of Advocate Commissioner to find out whether an extent of 6 cents is available within the suit R.S.No.102/4. The said application had been dismissed by the trial Court. Challenging the same, the present revision petition has been filed.

3.A perusal of the records reveal that the suit is for declaration of title and permanent injunction. Therefore, the entire burden is upon the plaintiff to establish that he is having title and possession over 6 cents of land in R.S.No. 102/4. He cannot seek with a help of Advocate Commissioner to find out whether there is an extent of 6 cents in suit R.S.No.102/4. Therefore, the trial Court has rightly dismissed the application. There are no merits in the revision petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

25.02.2025

Internet: Yes/No
Index: Yes/No
RJR



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To

The II Additional Sub Court, Madurai.

Copy to:-

The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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