

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2951 of 2023

and

CMP.No.27725 of 2023

Gopal (died)

1.G.Krishnaveni

W/o. late.Gopal Murugar Koil Street,
Sekkaampatty Village, Harur Taluk,
Dharmapuri District

2. G.Babu

S/o. late.Gopal Murugar Koil Street,
Sekkaampatty Village, Harur Taluk,
Dharmapuri District

3. G.Kumanan

S/o. late.Gopal Murugar Koil Street,
Sekkaampatty Village, Harur Taluk,
Dharmapuri District

4. G.Mani

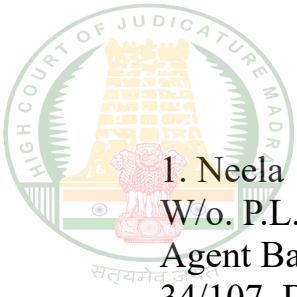
D/o. late.Gopal Murugar Koil Street,
Sekkaampatty Village, Harur Taluk,
Dharmapuri District

5. G.Siva

S/o. late.Gopal Murugar Koil Street,
Sekkaampatty Village, Harur Taluk,
Dharmapuri District

Appellant(s)

Vs



1. Neela

W/o. P.L.Dharmaraj, Rep by her Power
Agent Balakumar, P.L.Dharmaraj,
34/107, Devanga Pillaiyar Koil Street,
Sevvapet, Salem, Salem Dist.

2.The Sub Registrar
Sub Registrar Office, Harur,
Dharmapuri Dist.

Respondent(s)

PRAYER

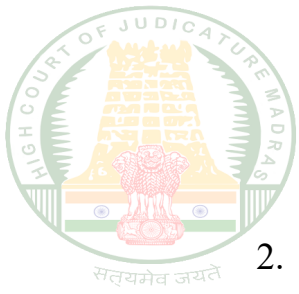
Civil Miscellaneous appeal filed under Order XLIII Rule 1(u) Code of Civil Procedure, prays to set aside the order of remand made in the Judgement and Decree dated 05.09.2023 made in A.S.No. 13 of 2019 on the file of the Additional District Court, Dharmapuri reversal the Judgement and Decree dated 29.01.2019 made in O.S.No. 87 of 2013 on the file of the Subordinate Court, Harur.

For Appellant(s): Mr.N. Manoharan

For Respondent(s): Mr.C.Munusamy For R1
Mr.C.Sathish
Govt.Advocate For R2

JUDGEMENT

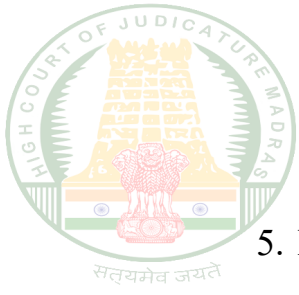
The appellants have filed this Civil Miscellaneous Appeal to set aside the order of remand made in the Judgement and Decree dated 05.09.2023 made in A.S.No. 13 of 2019 on the file of the Additional District Court, Dharmapuri reversal the Judgement and Decree dated 29.01.2019 made in O.S.No. 87 of 2013 on the file of the Subordinate Court, Harur.



2. Heard, Mr.N. Manoharan, learned counsel for the appellants, Mr.C.Munusamy, learned counsel for appearing for the first respondent and Mr.C.Sathish, learned Government Advocate, appearing for the second respondent.

3. When the matter was taken up for hearing, the learned counsel for the appellants submitted that, pursuant to the impugned order passed by the first appellate Court, an Advocate Commissioner was appointed, who visited the suit property and submitted his report before the trial Court. He further submitted that the appellants have valid objections to the Commissioner's report. Since the impugned order has already been implemented as of today, liberty is granted to the appellants to raise all their objections to the Commissioner's report before the trial Court.

4. On considering the submissions made on either side, the trial Court is directed to afford sufficient opportunity to both parties. Further, as the order of the Court did not clearly specify whether the trial Court should dispose of the suit afresh without being influenced by the earlier findings, this Court clarifies that the trial Court shall permit both parties to adduce further evidence, if necessary, and thereafter dispose of the suit in accordance with law, uninfluenced by any of the earlier findings, as expeditiously as possible.



5. In view of the above, this Civil Miscellaneous Appeal is disposed of.

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Consequently, the connected miscellaneous petition is closed.

21-07-2025

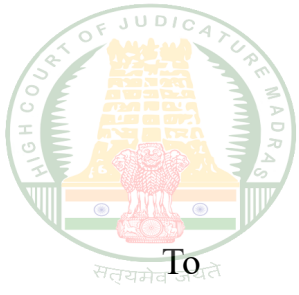
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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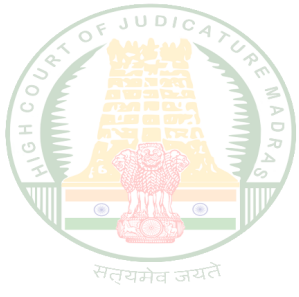
1. Neela

W/o. P.L.Dharmaraj, Rep by her Power
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Sevvapet, Salem, Salem Dist.

2. The Sub Registrar
Sub Registrar Office, Harur,
Dharmapuri Dist.

3. The Additional District Judge,
Dharmapuri.

4. The Subordinate Judge, Harur.



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T.V.THAMILSELVI J.
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