

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2025

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD)No.2440 of 2022

and

CMP(MD)Nos.11821 and 11823 of 2022

Pothiraj (Died)

- 1.Saroja
- 2.Pothiraj
- 3.Santhi
- 4.Chitra

: Petitioners/Petitioners/
Defendants

Vs.

Govintharaj (Died)

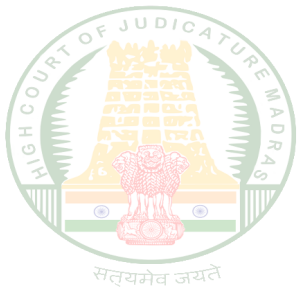
- 1.Aalvarammal
- 2.Ilankannan
- 3.Selvaraj
- 4.Senthamarai

: Respondents/Respondents/
Plaintiffs

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and final order, dated 22/01/2022 passed in IA No.2 of 2021 in IA No.724 of 2017 (IA No.417/2018) in OS No.64 of 2007 on the file of the Additional District Munsif Court, Aruppukottai.

For Petitioners : Mr.A.Sivaji

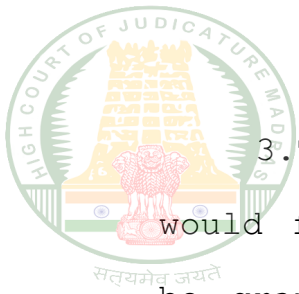
For Respondents : Mr.T.Balaji



O R D E R

This civil revision petition has been filed challenging the fair and final order, dated 22/01/2022 passed in IA No.2 of 2021 in IA No.724 of 2017 (IA No. 417/2018) in OS No.64 of 2007 by the Additional District Munsif, Aruppukottai.

2.The learned counsel appearing for the petitioners would submit that the respondents/plaintiffs filed a suit in O.S.No.64 of 2007 on the file of the Additional District Munsif Court, Aruppukottai, against the respondents/defendants for declaration and permanent injunction and other consequential reliefs against the defendants, who are the petitioners herein. During pendency of the suit, the respondents/plaintiffs filed IA No.724 of 2017 for appointment of a Commissioner and Commissioner was appointed and the Commissioner filed a report. However, on perusal of the Commissioner's report, it is contra to the documents and pleadings. Therefore, the petitioners/defendants filed IA No.2 of 2021 under Order 26 Rule 9 CPC to scrap the Commissioner's report and to appoint another Commissioner. That petition was dismissed. Challenging the same, the civil revision petition has been filed.



3.The learned counsel appearing for the petitioners would further submit that the petitioners/defendants may be granted permission to cross examine the Commissioner and also filed objection before the trial court.

4.The learned counsel appearing for the respondents/plaintiffs has no serious objection for the same.

5.In view of the above, this court permitted the petitioners/defendants to cross examine the Commissioner on the basis of the pleadings and the documents before the trial court. The trial Court is directed to consider the petitioners' objection to the Commissioner's report and pass appropriate orders at the time of trial.

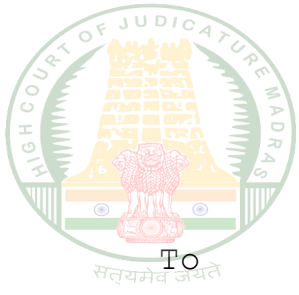
6.With the above direction, this civil revision petition is **dismissed**. No costs. Consequently, connected Miscellaneous Petitions are closed.

08.08.2025

Internet:Yes/No
Index:Yes/No
NCC:Yes/No

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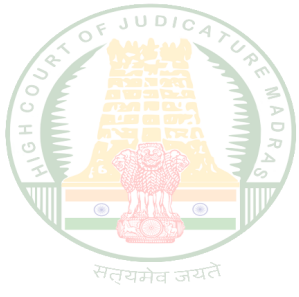
<https://www.mhc.tn.gov.in/judis>



To

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- 1.The Additional District Munsif,
Aruppukottai,
Virudhunagar District.
- 2.The Section Officer,
VR/ER Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI , J.

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