

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.2755 of 2015
and M.P.No.1 of 2015

Marimuthu

... Petitioner

Vs.

1.The District Collector,
Cuddalore District, Cuddalore - 1.

2.The Tahsildar,
Thittakudi,
Cuddalore District.

3.The Village Administrative Officer,
Mangalur Village, Thittakudi Taluk,
Cuddalore District.

4.Pattani

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 16.04.2015 in I.A.No.557 of 2014 in O.S.No.155 of 2005 on the file of the District Munsif cum Judicial Magistrate, Thittakudi dismissing the petition filed under Order XXVI Rule 9 r/w Section 151 of the Civil Procedure Code.

For Petitioner : Mr.G.Anabayachozhan

ORDER

Challenging the fair and decreetal order passed in I.A.No.557 of 2014 in O.S.No.155 of 2005 on the file of the District Munsif cum Judicial Magistrate, Thittakudi, the plaintiff has filed the above Civil Revision Petition.

2.In the year 2005, the plaintiff filed the suit in O.S.No.155 of 2005 for declaration and permanent injunction. The defendants filed their written statement and are contesting the suit. The trial had commenced in the year 2012 and in the year 2014, the plaintiff took out an application in I.A.No.557 of 2014 seeking for appointment of Advocate Commissioner to note down the physical features.

3.It is settled position that a party cannot collect evidence through Advocate Commissioner and he has to establish his case only by oral and documentary evidences. In the case on hand, after a lapse of nine years, the plaintiff has filed the application seeking for appointment of Advocate Commissioner, that too, after the commencement of the trial. The trial Court, after taking into consideration all these aspects, rightly dismissed the application.

4. In these circumstances, I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

22.07.2015

To

The District Munsif cum Judicial Magistrate,
Thittakudi.

M.DURAIWAMY,J.
va

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