

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2015

Coram

The Honourable Mr. Justice K.KALYANASUNDARAM

C.R.P. (PD) No.775 of 2015
& M.P.No.1 of 2015

Ramalinga Nainar

.. Petitioner/Plaintiff

Vs.

1.Baskar

2.Saroja

3.Yuvarani

4.Andal Ammal

5.Ramu

6.Krishnamurthy

... Respondents

Civil Revision Petition has been filed to set aside the Fair and Decreetal order dated 12.09.2014 in I.A.No.903 of 2014 in O.S.No.388 of 2007 on the file of the Principal District Munsif Court, Ulundurpet.

For Petitioner : Mr.T.S.Baskaran

ORDER

This Civil Revision is filed challenging the order passed by the Principal District Munsif Court, Ulundurpet in I.A.No.903 of 2014 in O.S.No.388 of 2007.

2.The petitioner filed the suit in the year 2007 against the respondent for declaration, permanent injunction and for recovery of possession. The defendants have filed their written statement in July 2008. The petitioner filed I.A.No.903 of 2014 on 21.08.2014, seeking for

appointment of Advocate Commissioner to note down the physical features of the suit property. The said application was dismissed. Aggrieved by the same, the present revision is filed.

3. Heard Mr.T.S.Baskaran, learned counsel for the petitioner and perused the records.

4. It is seen that the petitioner has filed the suit for declaration and for other reliefs. The Trial Court dismissed the petition holding that the petitioner has to prove his case through oral and documentary evidence and the report of the Advocate Commissioner will not help the Court to decide the issue in the suit. Further, the application was filed when the suit was posted in the special list. The Trial Court has further observed that the application is filed to prolong the litigation.

5. In the view of the above facts and circumstances, I do not find any illegality or irregularity in the order impugned in this revision. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.02.2015

smi

K.KALYANASUNDARAM,J.,

smi

To

1. The Principal District Munsif Court,
Ulundurpet

C.R.P.(PD)No.775 of 2015

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