

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2992 of 2014 and
MP.No.1 of 2014

Arockiasamy

...Petitioner

versus

1. Lukkas

2. Anthonimeri

3. Rose Mary

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and Decreetal Order of the learned II Additional District Munsif Court, Vridhachalam, passed in I.A.No.556/2011 in O.S.No.333/2007, dated 16.09.2013.

For Petitioner : Mr.R.Kannan

For Respondents : No appearance

ORDER

The petitioner filed I.A.No.556 of 2011 in O.S.No.333 of 2007 before the II Additional District Munsif, Vridhachalam, to issue a Commission for the purpose of reporting about the physical features of the disputed property. The application was dismissed by the learned

Judge with an observation that commission cannot be issued to prove the possession. The said order is under challenge in the present Civil Revision Petition.

2. The learned Counsel for the petitioner contended that the petitioner purchased a portion of the suit property. It was only to demarcate the said portion, the application in I.A.No.556 of 2011 was filed.

3. The affidavit filed in support of the application in I.A.No.556 of 2011 in O.S.No.333/2007 proceeds as if the petitioner sought the appointment of Advocate Commissioner for the purpose of proving his possession of 'C' Schedule property.

4. There is no question of appointing an Advocate Commissioner to prove the possession of the property. It was only, when the matter was posted for the examination of D.W.1 finally, the application was filed. I am, therefore, of the view that the trial court was perfectly correct in dismissing the application. I do not find any error or illegality in the said order.

6. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

22.11.2016

Index:Yes/No
tsi

To

The II Additional District Munsif Court, Vridhachalam.

K.K.SASIDHARAN, J.

tsi

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