

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2016

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

CRPPD.No.659 of 2014
and M.P.No.1 of 2014

1.N.Deivasigamani
2.N.Gunasekaran

.. Petitioners

Vs.

1.Parvathy
2.Thangaraj
3.Sekar
4.Elangovan
5.Ganesan
6.C.Manoharan

..Respondents

This Civil Revision Petition filed under Article 227 of the constitution of India to set aside the fair and decretal order dated 13.12.2013 passed by the Principal District Munsif Court, Alandur in I.A.No.1608 of 2013 in O.S.No.413 of 2009.

For petitioner : Mr.B.Vijay

For Respondent : Mr..G.K.Ilamtharaiyan for

ORDER

The present revision petition has been filed challenging the order passed in I.A.No.1608 of 2013 in O.S.No.413 of 2009 dated 13.12.2013. The petitioners/plaintiffs have filed the suit in O.S.No.413 of 2009 on the file of the Principal District Munsif Court, Alandur, seeking for declaration and permanent injunction.

2. During the pendency of the suit, the petitioners herein filed I.A.No.1608 of 2013 seeking appointment of Advocate Commissioner to verify the schedule of the properties. The Trial court considered the petition and made a categorical finding that the dispute between the parties with regard to title of the suit schedule property and further the description of the properties are not in dispute, which is very well available and set out in the plaint. When there is no dispute, regarding the title of the property and the description of the suit property has been clearly set out, the trial court is very much right in rejecting the petition for appointment of an Advocate Commissioner.

3. Taking note of the fact that the parties should not be allowed to seek an appointment of Advocate Commissioner in a routine manner in all the situations irrespective of the fact whether there is a genuine discrepancy or not in the schedule of the properties, this court is of the view that the reasoning set out by the trial court for rejecting the petition seeking appointment of Advocate Commissioner cannot be interfered with and accordingly, the order passed in I.A.No.1608 of 2013 in O.S.No.413 of 2009 is hereby confirmed and the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.12.2016

kkd

Index : Yes/No
Internet : Yes/No

To

The Principal District Munsif Court,
Alandur.

S.M.BALASUBRAMANIAM,J

kkd

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