

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1408 of 2016
and
C.M.P.No.7824 of 2016

Kanagaraj
S/o.Kuppusamy

... Petitioner

vs

A.P.Ramadoss
S/o.Pichaimuthu

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 02.11.2015 passed in I.A.No.620 of 2014 in O.S.No.193 of 2010 on the file of Sub Court, Tarapuram, Tiruppur District.

For Petitioner : Mr.M.Thamizhavel

ORDER

This revision challenges the order of learned Sub Judge, Tarapuram, Tiruppur District, passed in I.A.No.620 of 2014 in O.S.No.193 of 2010 on 02.11.2015.

2. Heard learned counsel for petitioner.

3. The respondent has moved O.S.No.193 of 2010 seeking a direction to the defendant to execute the sale deed in favour of the plaintiff and to deliver possession of the suit properties to the plaintiff or in the alternative, to refund the advance amount with interest to the plaintiff.

4. Petitioner is the defendant in the suit. Petitioner moved I.A.No.620 of 2014 seeking appointment of an Advocate Commissioner towards measuring the property and noting the physical features. In dismissing such application, the Court below has reasoned that the case of the petitioner/defendant is of the agreement of sale relied upon by the respondent/plaintiff being a forgery, that there was no dispute regarding the measurement of the property which in any event could be verified through revenue records and that the application is to gather evidence, an exercise which was not permissible. Though learned counsel for petitioner sought to impress upon this Court that it is the petitioner's case that there is no such property as informed in the sale agreement and it was necessary to ascertain the physical features, this Court finds no reason to interfere with the order under challenge.

The Civil Revision Petition is dismissed. No costs. Consequently,
connected miscellaneous petition is also closed.

01.06.2016

Index:yes/no
Internet:yes
gm

To

The Sub Court,
Tarapuram,
Tiruppur District.

C.T.SELVAM, J

gm

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