

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2116 of 2016
and
C.M.P.No.11057 of 2016

Kalaiazhagan

... Petitioner

vs

1. Embrose @ Raniammal
2. Latha
3. Geetha
4. Lakshmi
5. Devi
6. Kalpana

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order on 19.01.2016 in I.A.No.1137 of 2015 in O.S. No.246 of 2009 on the file the Principal District Munsif, Poonamallee by allowing the above Civil Revision Petition.

For Petitioner : Mr.V.Manohar

For Respondents : Mr.G.Dilip Kumar

ORDER

This revision challenges the order of appointment of Advocate Commissioner passed on 19.01.2016 in I.A.No.1137 of 2015 in O.S. No.246 of 2009. The respondents have filed the suit in O.S.No.246 of 2009 seeking

declaration of title and has filed I.A.No.1137 of 2015 seeking appointment of an advocate commissioner. On the application being allowed, the present revision has been moved by the petitioner.

2. Heard learned counsel for petitioner and learned counsel for respondents.

3. Counsel on either side would agree on the factual aspect that there is a bore well in the suit property. The dispute between the parties is whether such bore well came to be put up before or after 2009. Such is a matter for evidence and it cannot be gathered by appointment of an advocate commissioner in the suit.

4. In such view of the matter, this Civil Revision Petition stands allowed and the order of the Principal District Munsif, Poonamallee on 19.01.2016 in I.A.No.1137 of 2015 in O.S. No.246 of 2009 is set aside. Consequently, connected miscellaneous petition is also closed.

18.08.2016

Index:yes/no
Internet:yes

vrc

To
The Principal District Munsif,
Poonamallee.

C.T.SELVAM, J

vrc

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