

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No.2200 of 2016

And

C.M.P.No.11417 of 2016

Kiliammal (Deceased)

1.K.Rajendran
2.K.Savithri
3.K.Mani

... Petitioners

Vs.

1.Mari Gramani
2.Kamatchi
3.Varadharajan
4.Sabapathi
5.Gopal
6.Munuswami

... Respondents

Prayer:

Petition filed under Article 227 of the Constitution of India praying to set aside the Fair and decreetal order passed in I.A.No.627 of 2015 in O.S.No.306 of 2007 by Additional District Munsiff at Ponamallee dated 21.07.2015.

For Petitioners : Mr.K.Harikrishnan

O R D E R

The petitioners during the fag end of the trial filed an

application for appointment of Advocate Commissioner to identify the suit property and to note down its physical features. The application was dismissed by the learned Trial Judge. The said order is under challenge in this civil revision petition.

2. Heard the learned counsel for the petitioners.

3. The petitioners filed the suit in O.S.No.306 of 2007 praying for a decree of permanent injunction. The parties have adduced evidence. The matter was posted for arguments. It was only at that point of time, the petitioners filed application in I.A.No.627 of 2015 for appointment of Advocate Commissioner.

4. The petitioners wanted the Advocate Commissioner to identify the property with the assistance of a Surveyor. The other prayer is to note down the physical features. The parties have already adduced evidence. It is for the Trial Court to consider the evidence and pass a judgment and decree on merits. There is no question of appointing Advocate Commissioner to note down the physical features of the property after conclusion of trial and that too, in a matter wherein the only relief is injunction. The learned Trial Judge considered this issue and rightly dismissed the application.

5.In the result, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

08.09.2016

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Index: Yes/ No
Internet: Yes/ No

To

The Additional District Munsiff at Poonamallee.

K.K.SASIDHARAN,J.
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