

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.09.2016**

CORAM:

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

C.R.P.(P.D.) No.2987 of 2016 and
CMP.No.15097 of 2016

V.R.Mani

...Petitioner

versus

1. Parvathi
2. Yuvaraju
3. Sarasu
4. Srinivasan
5. Tahsildhar, Sankagiri.
6. Revenue Divisional Officer, Sankagiri.
7. District Collector, Salem.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in IA. No.768 of 2014 in OS. No.180 of 2010 on the file of the Subordinate Judge, Sankari dated 14.6.2016.

For Petitioner : Mr.C.Kulanthaivel

ORDER

The petitioner filed a suit for partition and mandatory injunction. In the said suit, the petitioner filed an application for appointment of Advocate Commissioner to note down the physical features of the property. The petition 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 petitioner.

3. The suit is one for partition. There is no question of appointing an Advocate Commissioner even before passing a preliminary decree. Even if the petitioner is entitled to the allotment of a particular portion on account of his residence or business, such things could be decided only during the final decree proceedings. Equity and reservation would to be considered by the Trial Court during the stage of passing final decree. There is no question of appointing an Advocate Commissioner to report about the physical features. I am therefore of the view that the learned Trial Judge was perfectly correct in dismissed the application.

4. In the upshot, I dismiss the Civil Revision Petition. No costs.

Consequently, connected miscellaneous petition is closed.

22.09.2016

Index:Yes/No
Internet:Yes/No
svki/jv

To

The Subordinate Judge,
Sankari

K.K.SASIDHARAN, J.

(svki/jv)

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