

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.3967 of 2016
and C.M.P.No.20110 of 2016

1. Saraswathy
2. Vasuki
3. Selvi

.. Petitioners

-Vs.-

Nallasivam

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 17.09.2016 and made in I.A.No.107 of 2016 in O.S.No.488 of 2013 on the file of the I Additional District Munsif Court, Erode.

For petitioners ... Mr.I.Kowser Nissar

O R D E R

The defendants in a suit for bare injunction, have filed the application for appointment of an Advocate Commissioner to note down the physical features of the suit properties, which was rightly dismissed by the trial Court on the ground that in a suit for bare injunction, Commissioner cannot be appointed.

PUSHPA SATHYANARAYANA.J

srn

2. I do not see any infirmity in the impugned order. It is for the respondent / plaintiff to establish his possession in a suit for injunction on the date of suit and the defendant is not constrained to appoint a Commissioner to note down the physical features of the suit properties much less to find out the factum of possession.

3. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2016

srn

To

The I Additional District Munsif Court,
Erode.

C.R.P.P.D.No.3967 of 2016
and C.M.P.No.20110 of 2016

