



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P (PD) (MD) No.1175 of 2016

and

C.M.P (MD) No.5765 of 2016

Barisal Begam

..Petitioner

-vs-

1.Kadar Batcha

2.Sharmila Begam

3.Basariya Begam

4.Sulthan Alavudheen

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.131 of 2016 in O.S.No.36 of 2011, on the file of the Principal District Munsif, Mudukulathur, dated 15.04.2016.

For Petitioner

: Mr.K.R.Laxman

O R D E R

This revision arises out of the order passed by the Principal District Munsif, Mudukulathur, in I.A.No.131 of 2016 in O.S.No.36 of 2011 dated 15.04.2016.

2. The petitioner is the defendant in the suit. The respondents instituted the suit against the petitioner for permanent injunction. The petitioner has filed her written statement on 13.06.2011. In the said suit, trial commenced on 11.01.2016 and after examination of plaintiffs' side evidence, when the suit was posted for defendant's side evidence, the petitioners filed I.A.No.131 of 2016 for appointment of Advocate Commissioner to note down the physical features of the suit property. The said petition was dismissed. Aggrieved over the same, the present revision is filed.

3. Mr.K.R.Laxman, learned counsel for the petitioner would submit that according to the petitioner, there was no pathway in



the suit property and the revenue records also corroborated the case of the petitioner. In the above facts, an appointment of Advocate Commissioner would help to decide the issues involved in the suit.

4. It is not in dispute that the application was filed when the suit was posted for defendant's side evidence. The learned District Munsif dismissed the application observing that the petitioner can prove her case by examining some other evidence and the Commissioner cannot be appointed to collect evidence for the parties.

5. Considering the above facts, I do not find any illegality or irregularity in the order impugned in this revision.

6. In the result, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

skn

To

The Principal District Munsif, Mudukulathur.

GJM/ARK/PV/25.7.16-2p-2c

C.R.P (PD) (MD) No.1175 of 2016
16.06.2016