



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1434 of 2016

and

C.M.P. (MD) No.7020 of 2016

1. Abdul Razak
2. Sahul Hameed

.. Petitioners/Petitioners

Vs.

K.A.S.Ramdoss

... Respondent/Respondent

Prayer: Petition filed under Section 227 of Constitution of India to set aside the order passed in I.A.No.481 of 2015 in O.S.No.153 of 2012 on the file of the learned III Additional District Judge, Tiruchirappalli, dated 14.12.2015.

For Petitioners : Mr.R.J.Karthick

For Respondent : Mr.S.Vinod Sathayalazar

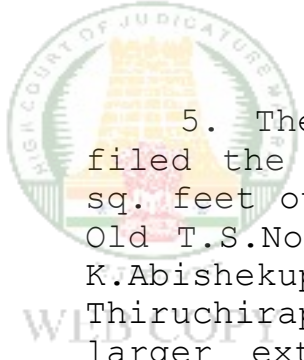
ORDER

This Revision arises out of the order passed by the learned III Additional District Judge, Thiruchirappalli in I.A.No.481 of 2015 in O.S.No.153 of 2012.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondent and perused the records.

3. The respondent as plaintiff filed a suit in O.S.No.153 of 2012 for declaration and recovery of possession to an extent of 480 sq. feet out of 1531-½ sq. feet in Old Ward No.1, Old Block No.27, Old T.S.No.160, New Ward 'K', New Block No.23, New T.S.No.8/2 of K.Abisheakupuram Village in Thiruchirappalli Taluk, Thiruchirappalli District.

4. The suit is being contested by the petitioners by filing their statements. After commencement of the trial, and after cross examining of P.W.1 in part, the petitioners filed the application I.A.No.481 of 2015 under Order 26 Rule 9 and Section 151 of Cr.P.C. for appointment of Advocate Commissioner to note down the physical features of the property.



5. The case of the petitioners is that the respondent has filed the suit for recovery of possession to the extent of 480 sq. feet out of 1531-½ sq. feet in Old Ward No.1, Old Block No.27, Old T.S.No.160, New Ward 'K', New Block No.23, New T.S.No.8/2 of K.Abishekupuram Village in Thiruchirappalli Taluk, Thiruchirappalli District. However, they have in possession of larger extent i.e., 671 sq. feet from the year 1972 and to ascertain their possession, an Advocate Commissioner has to be appointed. The application was opposed by the respondent by filing a counter.

6. The learned District Judge, taking into consideration the prayer sought for in the suit, dismissed the application observing that the Advocate Commissioner cannot be appointed to collect evidence of the parties.

7. Considering the above facts, I do not find any merits in this Revision.

8. **In fine**, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To
The III Additional District Court,
Tiruchirappalli.

+1 cc to MR.S.VINOD SATHYA LAZAR, Advocate Sr.No.39187

+1 cc to MR.R.J.KARTHICK, Advocate Sr.No.38954

SMA/KP/11/08/2016 :2P/4C

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