



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

CRP(PD) (MD) .No.2257 of 2016 and
C.M.P. (MD) .No. 10435 of 2016

D. Velram : Petitioner/Defendant No.2

Vs.

1. P. Rajini : Respondent/Plaintiff
2. D. Pandian : Respondent/Defendant

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the petition and order dated 07.04.2016 made in I.A.No. 205 of 2004 in O.S.No. 53 of 2001 on the file of the Subordinate Court, Aruppukkottai.

For Petitioner : Mr.S. Rajasekar

ORDER

The Civil Revision Petition is filed to set aside the order dated 07.04.2016 made in I.A.No. 205 of 2004 in O.S.No. 53 of 2001 on the file of the Subordinate Court, Aruppukkottai.

2. According to the petitioner that the present instant application in I.A.No.205 of 2004 in O.S.No.53 of 2001 was for appointment of Advocate Commissioner. The said application was allowed by the Court below. In the above said suit, the revision petitioner / second defendant filed an application in I.A.No.257 of 2012 stating that earlier Advocate Commissioner was failed to submit a report and plan within a time. Since the first respondent / plaintiff has not given a property details and description in the plaint, the appointment of second Advocate Commissioner is unnecessary one and the same is unsustainable in law.

3. In view of the above, the trial Court considering the facts and circumstances of the case appointed the Advocate Commissioner to inspect the suit property with the help of Surveyor and to measure the property and to divide the property and submit a report. The first respondent / plaintiff filed the above suit for partition and preliminary decree was passed. In such circumstances, present application has been filed to appoint the Advocate Commissioner to submit the report to measure the property and therefore, in the interest of justice, this Court does not warrant any interference in the order passed by the Court below.



4. In the result, the Civil Revision Petition is dismissed.
No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (RTI)

Sub Assistant Registrar (CS)

To
The Subordinate Judge,
Subordinate Court,
Aruppukkottai.

+1cc to Mr.T.Lajapathi Roy, Advocate in SR.No.67826.

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09.11.2016