

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1183 of 2017

Alamelu

... Petitioner

v.

1.Chakkarapani
2.Jayasekaran
3.Namasivayam

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decretal order dated 07.09.2016 in I.A.No.1616 of 2016 in O.S.No.318 of 2013 on the file of Principal District Munsif, Chengulpet.

For Petitioner : Mr.B.Balavijayan

ORDER

Challenging the fair and final order passed in I.A.No.1616 of 2016 in O.S.No.318 of 2013 on the file of Principal District Munsif Court, Chengulpet, the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.318 of 2013 for declaration and permanent injunction. The defendants filed their written statement and are contesting the suit. Subsequently, the defendant took out an application in I.A.No.1616 of 2013 seeking for appointment of an Advocate commissioner to note down the physical features of the suit property.

3. When the suit has been laid by the plaintiff to declare the sale deed as null and void and to declare that she is the absolute owner of the B schedule property and for consequential injunction, there is no necessity for noting down the physical features by the Advocate Commissioner.

4. It is settled position that an Advocate Commissioner cannot be appointed to ascertain the possession of the parties. It is also settled

position that the petitioners cannot collect evidence through the Advocate Commissioner and that they have to establish their case only by oral and documentary evidences.

5. Taking into consideration, all these aspects, the Trial Court has rightly dismissed the application.

6. In these circumstances, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs.

28.03.2017

Internet : No

Rj

To

The Principal District Munsif,
Chengulpet.

M. DURAISWAMY,J.,
Rj

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