

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (PD) No.1342 of 2017 &
C.M.P.No.6226 of 2017

Seethalakshmi

... Petitioner

Vs.

Devaki (died)
Varadhan (died)
1.V.Senthilnathan
2.Thilagavathy
3.C.Raji
4.V.Kumar
5.V.Sudhakar
6.Srinivasan
7.Paneerselvam
8.Senthamarai

... Respondents

Prayer: Revision filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.674 of 2015 in O.S.No.110 of 2006 dated 19.01.2017 on the file of the Additional District Munsif Court, Kancheepuram.

For Petitioner : Mr. S.D.S.Phillip

ORDER

The petitioner is the first defendant. The respondents 1 to 5 along with Devaki and Varadhan, who are plaintiffs, have filed the suit during 2005, seeking declaration and injunction and the same

has been numbered in O.S.No.110 of 2006 in respect of the suit property against the petitioner and others. The petitioner herein has filed the written statement and contesting the suit and after completion of evidence let in by parties, the suit is posted for arguments.

2. The petitioner along with others filed an Interlocutory Application in I.A.No.674 of 2015 under Order 26 Rule 9 of the Code of Civil Procedure, seeking for appointment of Advocate Commissioner to inspect and note down the physical features of the suit property.

3. The first respondent filed a counter affidavit and opposed to allow the application and submitted that the suit filed in the year 2005 and the same was numbered in the year 2006 and after completion of evidence let in by both parties, the suit is posted for arguments. It is also submitted that the application seeking for appointment of Advocate Commissioner, is not necessary, in the nature of the relief as sought for in the suit.

4. The learned Judge after considering the affidavit, counter

affidavit and materials on record, dismissed the application.

5. Against the said order dated 19.01.2017, the present Civil Revision Petition is filed.

6. From the materials available on record, it is seen that the respondents 1 to 5 have filed the suit seeking for declaration and injunction. It is for the respondents 1 to 5 to prove their title and possession by acceptable evidence to substantiate their claim in the suit. The parties have completed in letting evidence and the suit is posted for arguments. The application filed by the petitioner and others seeking for appointment of Advocate Commissioner is at the belated stage. Therefore, this Court is of the view that there is no error or illegality in the impugned order passed by the Trial Court.

7. Hence, the Civil Revision Petition stands dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is dismissed.

11.04.2017

Index : Yes/No
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V.M.VELUMANI,J

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To

The Additional District Munsif Court,

Kancheepuram

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