

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1664 of 2017

R.Arunkumar

.. Petitioner

Vs.

1.K.Venkatakrishnan

2.R.Revathi

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 16.02.2017 made in I.A.No.406 of 2017 in O.S.No.2960 of 2016 on the file of the learned XV Assistant City Civil Court, Chennai.

For Petitioner : Mr.A.Sasikumar

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 16.02.2017 made in I.A.No.406 of 2017 in O.S.No.2960 of 2016 on the file of the learned XV Assistant City Civil Court, Chennai.

2. The petitioner is the plaintiff and the respondents are the defendants in O.S.No.2960 of 2016. The petitioner filed the suit for permanent injunction restraining the respondents from alienating and encumbering the suit schedule property. According to the petitioner, he has $\frac{1}{4}$ share in the suit property and title of the petitioner is not disputed by the respondents. The petitioner filed I.A.No.406 of 2017 for appointment of an Advocate Commissioner to measure the suit property with the help of Taluk Surveyor and to file the report.

3. The learned Judge considering the averments made in the affidavit and the relief sought for by the petitioner, dismissed the application holding that in a suit for injunction, the Advocate Commissioner need not be appointed.

4. Against the order of dismissal dated 16.02.2017 made in I.A.No.406 of 2017, the present civil revision petition is filed by the petitioner/plaintiff.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. From the records, it is seen that the petitioner has filed the suit for permanent injunction. According to the petitioner, his share in the suit property is not disputed by the respondents and identity of the property is also not disputed by other sharers. It is further seen that there is no dispute with regard to the boundary, extent and identity of the suit property. In the circumstance, the learned Judge has rightly held that there is no necessity to appoint the Advocate Commissioner to measure the suit property with the help of Taluk Surveyor. There is no illegality or irregularity warranting interference by this Court with the order of the learned trial Judge, dated 16.02.2017.

7. In the result, this Civil Revision Petition is dismissed. No costs.

01.06.2017

Index : Yes/No

dm/kj

V.M.VELUMANI, J.

dm/kj

To

The XV Assistant City Civil Court
Chennai.

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