

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 24-11-2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.NPD.No.3398 OF 2017

M/s.Indian Auto Gas Company Limited,
represented by its Chief Executive Officer,
Mr.S.M.Antony Thomas

...

Petitioner

-vs-

1.Mrs.K.Radha Lakshmi
2.Mr.K.Bala Boopathy

...

Respondents

Petition against the order, dated 19.07.2017, passed in E.A.No.53 of 2017
in E.P.No.2 of 2014 in O.S.No.281 of 2010 on the file of Subordinate Judge,
Poonamallee.

For petitioner : Mr.A.Ramaswamy

For respondents : Mr.P.Subba Reddy

ORDER

This Civil Revision Petition is directed against the dismissal of the
application, filed for appointment of Advocate Commissioner, under Order 26 Rule 9
read with Section 151 of the Code of Civil Procedure, before the trial Court.

2. The petitioner has sought for appointment of an Advocate Commissioner with the assistance of Assistant Director, Land Survey, Thiruvallur District, to inspect the suit schedule property, measure the same by metes and bounds, and note down the physical features.

3. The trial Court, having held that the appointment of Advocate Commissioner to identify the survey number of the suit property is not maintainable, further held that the petitioner is not the owner of the property and he has no right over the suit property, but he is only the tenant, who is disputing the title of the landlord. He has only sought to prove the possession on the land acquired by the Government. In fact, in O.S.No.277 of 2010, the petitioner was also a party, wherein an Advocate Commissioner was appointed and the report is likely to be filed. Since the appointment of Advocate Commissioner is sought for the very same relief in respect of the same property between the same parties, the trial Court dismissed the application.

4. Since the Advocate Commissioner's Report is yet to be filed in the above connected suit between the same parties in respect of the same property, that will satisfy the requirements in the present case also. Therefore, I do not find any infirmity in the order passed by the trial Court.

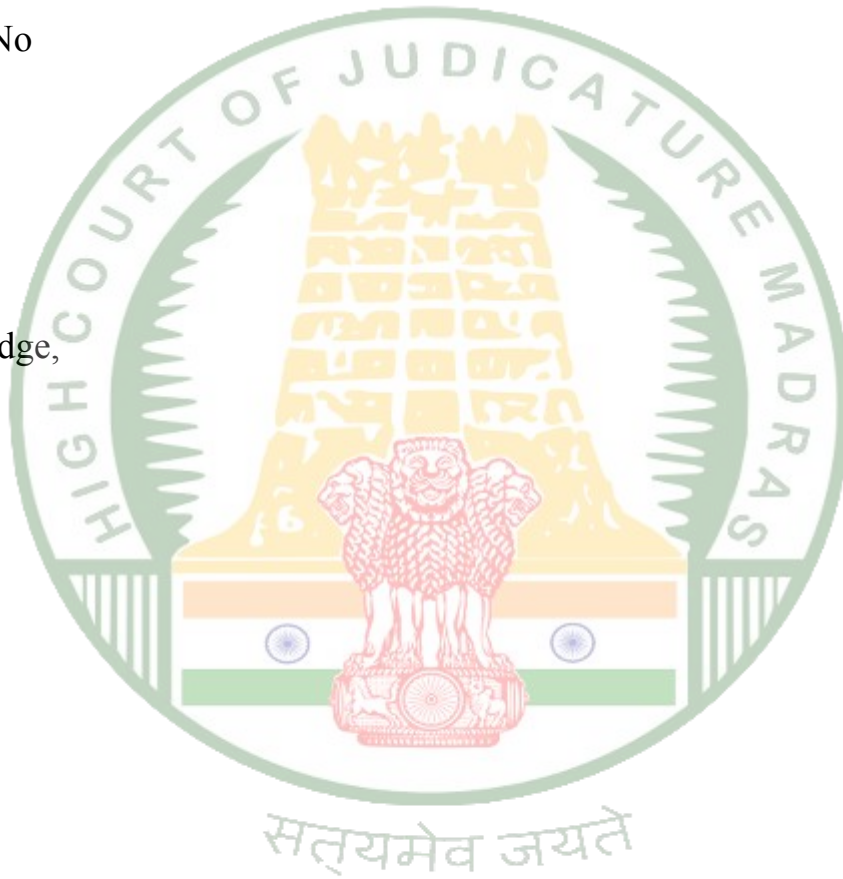
5. Civil Revision Petition is dismissed. No costs. Consequently, the connected C.M.P.No.15846 of 2017 is closed.

Index : Yes/No
Internet : Yes/No

24-11-2017

dixit

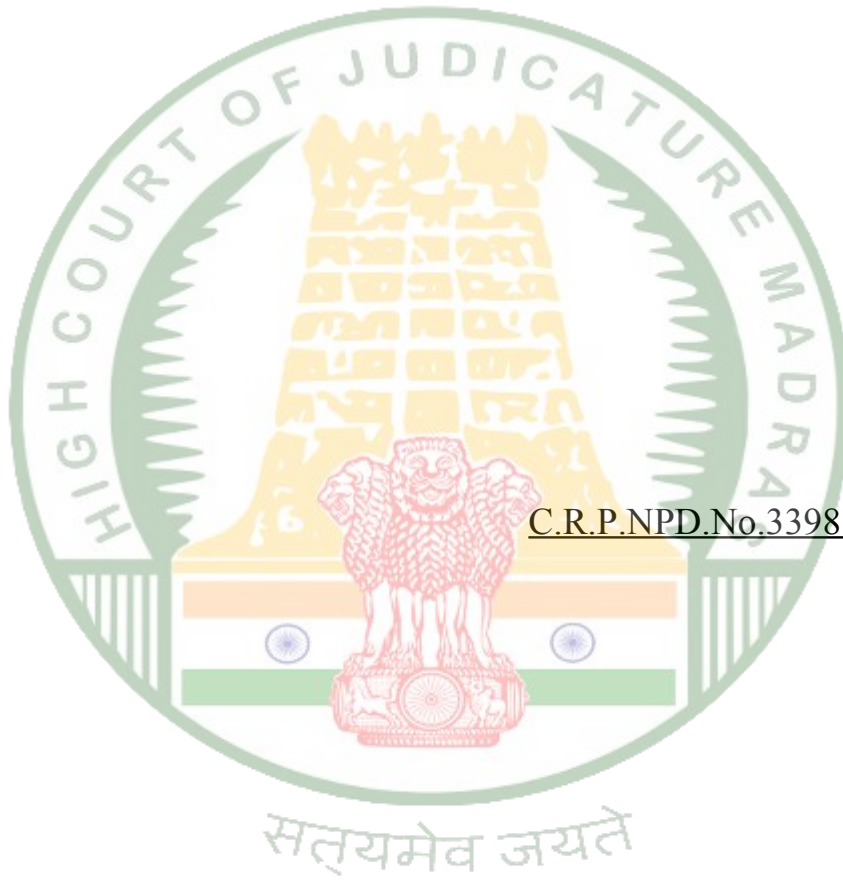
To
Subordinate Judge,
Poonamallee.



WEB COPY

M.GOVINDARAJ,J.

dixit



C.R.P.NPD.No.3398 OF 2017

WEB COPY

24-11-2017