

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2017

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THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(PD).No.4306 of 2017
and CMP.No.20246 of 2017

D.Rangaraj

..Petitioner

Vs.

B.Ravi

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order and Decretal order dated 11.07.2016 passed in I.A.No.1380 of 2015 in O.S.No.101 of 2014 by the Hon'ble Principal District Munsif Court at Poonamallee and allow this Civil Revision Petition.

For petitioner : Mr.S.Vijay Anand

WEB **ORDER** COPY

According to the revision petitioner, the revision petitioner has filed a suit in OS.No.101 of 2014 for permanent injunction. In the aforesaid suit, the revision petitioner has also

filed an application in IA.No.1380 of 2015 for appointment of an Advocate Commissioner to inspect the suit property to find out the actual survey number of the suit property. According to the revision petitioner, the survey number of the suit property is 34 / 2 and the classification of the suit property is poromboke. The revision petitioner is in possession and enjoyment of the house constructed and paying the electricity charges. The said application has been filed to determine the issue involved in the suit by disputing the classification of the property. The said application was erroneously dismissed. Therefore, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioner would submit that no prejudice would be caused to the respondent if the said application is allowed.

3. Heard, the learned counsel for the revision petitioner and perused the materials available on record.

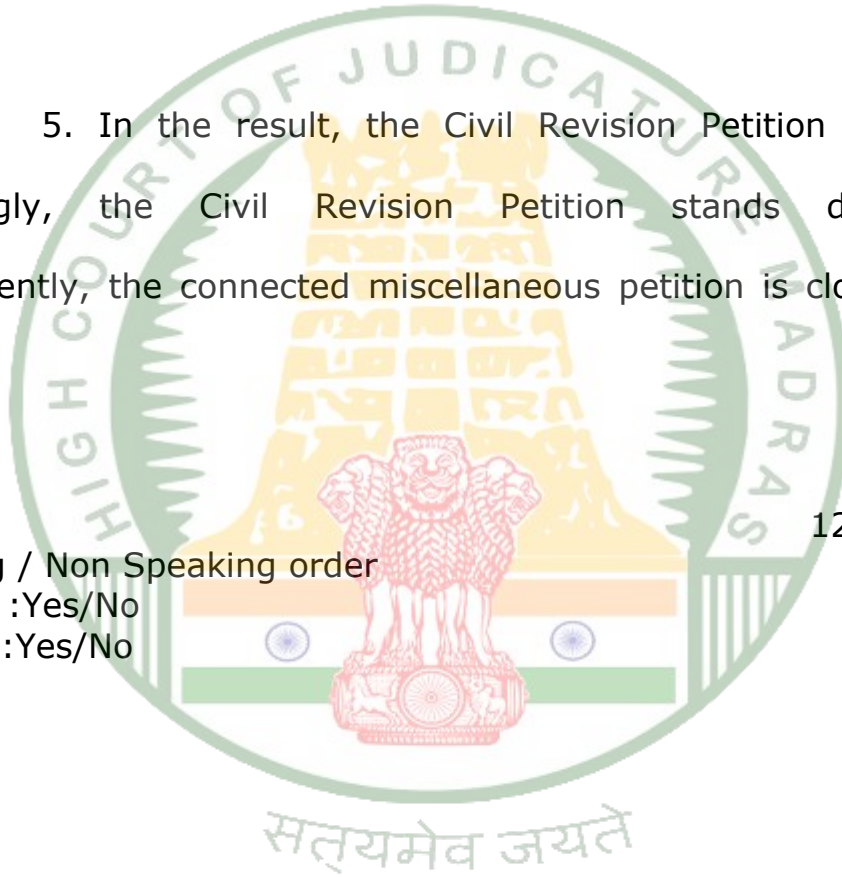
4. When there is a dispute regarding classification of the property, the present application in the suit for permanent injunction for appointment of Advocate Commissioner cannot be

entertained and the same is liable to be dismissed. Therefore, the court has rightly dismissed the said application. There is no illegality or infirmity in the order passed by the court below. Therefore, this Court is not inclined to interfere with the orders passed by the court below.

5. In the result, the Civil Revision Petition fails and accordingly, the Civil Revision Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

12.12.2017

Speaking / Non Speaking order
Index :Yes/No
Internet :Yes/No
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D.KRISHNAKUMAR.J,

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To

The Hon'ble Principal District Munsif Court,
Poonamallee.



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