

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

CRP.PD.No.4551 of 2017

and

C.M.P.No.21447 of 2017

V.Sivasubramaniam

..Petitioner

Vs.

1.Bakkim

2.Sriram

..Respondents

**PRAYER:** The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 27.03.2016 passed by the learned District Munsif, Pollachi in I.A. No.25 of 2017 in O.S. No.605 of 2009.

For Petitioner : Mr.L.Mouli

WEB ORDER COPY

The Civil Revision Petition is filed to set aside the fair and decretal order dated 27.03.2016 passed by the learned District Munsif, Pollachi in I.A. No.25 of 2017 in O.S. No.605 of 2009.

2.The revision petitioner has filed the suit in O.S. No. 605 of 2009 for bare injunction before the District Munsif of Pollachi. Thereafter, the revision petitioner has filed an Application in I.A. No.25 of 2017 seeking for an appointment of Advocate Commissioner to measure the suit property with surveyor and to file a detailed report. The Court below has dismissed the said application by considering the decision of this Court reported in **2016 (1) TLNJ 270 (Civil) in the case of Ramasamy and other Vs. Dhanraj** and Others which reads as follows:

“Application filed by the petitioner for appointment of Advocate Commissioner at the stage of Appeal application Dismissed-Revision challenged the same held suit has been filed by the petitioner for permanent injunction. It is for the petitioner to prove his possession on the basis of the oral and Documentary evidence advocate Commissioner cannot be appointed-Revision Petition Dismissed.”

3. According to the learned counsel for the petitioner the appointment of Advocate Commissioner to measure the suit property with surveyor would minimize the evidence in the suit. Therefore, the order passed by the Court below is liable to be set aside.

4. In the light of the aforesaid judgement, this Court is not inclined to entertain the Civil Revision Petition. Accordingly, the Civil Revision Petition stands dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

13.12.2017

Speaking/Non-speaking order  
Index : Yes/No  
Internet : Yes/No  
RKP

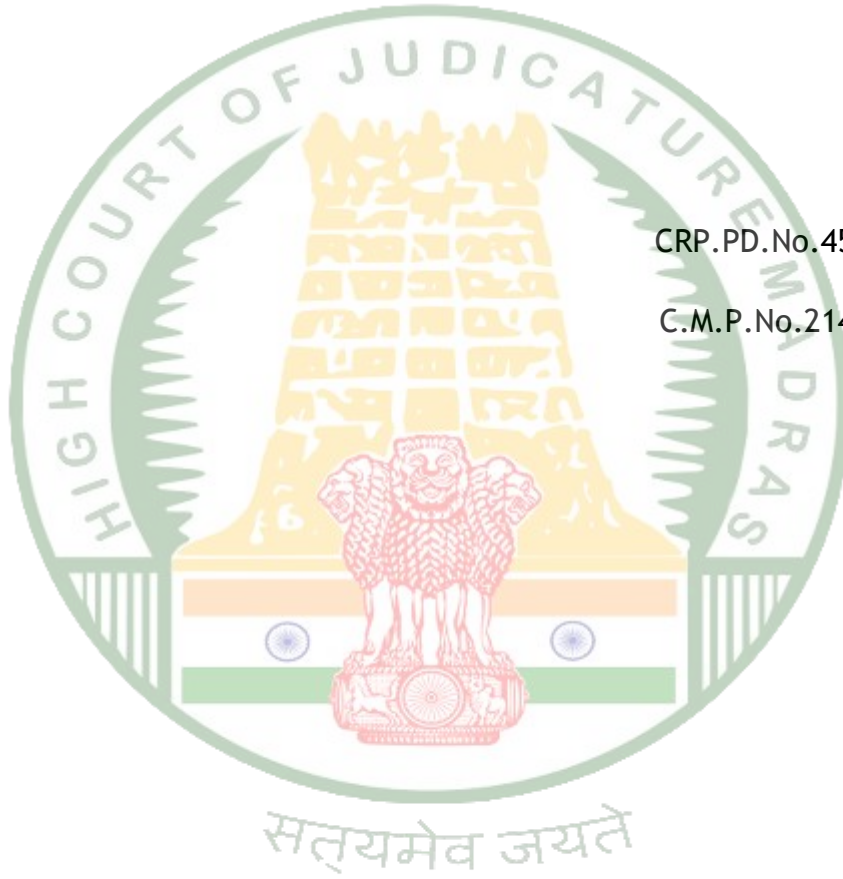
To  
The District Munsif,  
Pollachi



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D.KRISHNAKUMAR. J,

rkp



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