

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.03.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.377 of 2015

R.Subramaniam : Petitioner
versus

C.Sundar : Respondent

PRAYER: Revision filed against the order dated 19.11.2014, in I.A.No.1054 of 2014 in O.S.No.1199 of 2014 on the file of the III Additional Subordinate Judge, Coimbatore.

For petitioner :: Mr.D.Krishna Pradeep

For respondents :: Mr.r.Bharat Kumar

ORDER

The respondent instituted a suit against the petitioner for recovery of possession. In the said suit, the respondent filed an application for appointing Advocate Commissioner in I.A.No.1054 of 2014. The learned Trial Judge taking into account the affidavit filed in support of the interlocutory application and the counter affidavit filed by the petitioner, allowed the application. The said order is under challenge in this civil revision petition.

2. I have heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The respondent filed the interlocutory application in the civil suit in O.S.No.1199 of 2014, contending that without his knowledge, machineries were removed from the suit schedule property and they were kept outside. It was only to report about the physical features and more particularly, the machineries dumped by the petitioner after removing from the subject property, the respondent made a request for appointing an Advocate Commissioner. The learned Trial Judge having considered the background facts, allowed the said application. It is not for this Court to re-appreciate the reasons given by the learned Trial Judge. In view of the relief claimed in the civil suit and the defence taken by the petitioner, the Trial Court was correct in allowing the application. I do not find any error or illegality in the said order, liable for correction by exercising the revisional jurisdiction.

4. In the upshot, I dismiss the civil revision petition. No costs. Consequently, M.P.No.1 of 2015 is also dismissed.

5. The learned Trial Judge is directed to dispose of the civil suit as expeditiously as possible and in any case, within a period of three months from the date of receipt of a copy of this order.

22.03.2017

Index:Yes/no
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To

The III Additional Subordinate Judge, Coimbatore

K.K.SASIDHARAN, J.

(tar)

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