

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2017**

CORAM:

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

C.R.P.(P.D.) No. 1520 of 2013 and
MP.No.1 of 2013

Sengammal

...Petitioner

Vs

1.Rajamani
2.Jayasundaram

...Respondents

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 09.01.2013 made in I.A.No.276/2012 in O.S.No.355/2009 on the file of the Principal District Munsif, Tiruvannamalai.

For Petitioner : Mr.K.Venkatasubban
for M/s.Sarvabhauman Associates

ORDER

The petitioner filed a suit for injunction. The suit was contested by the respondents by filing written statement. The respondents denied the existence of the very property claimed by the petitioner.

2. The petitioner, after posting the matter for cross examination of D.W.1, filed application for appointment of Advocate Commissioner to inspect the property and file a report. The petitioner wanted to fix the identity of the property. The application was dismissed by the learned trial Judge. The said order is under challenge in this civil revision petition.

K.K.SASIDHARAN,J.

gms

3. The learned counsel for the petitioner contended that the respondents denied the very existence of the property and that was the reason for taking out a commission. According to the learned counsel, the report of the Advocate Commissioner would prove that there is a property in respect of which the petitioner sought injunction.

4. None appeared on behalf of the respondents.

5. The suit in question is a simple suit for injunction. The petitioner is bound to prove his possession of the property on the strength of his documents. There is no question of appointing an Advocate Commissioner to report about the existence of the property and that too after adducing evidence on the side of the parties. The learned trial Judge by way of a detailed order dismissed the application by giving reasons. It is not within the province of this Court to analyse the reasons given by the trial Judge for the purpose of arriving at a different decision. I am, therefore, of the view that the petitioner has not made out a case for interference in the order passed by the trial Judge.

In the upshot, I dismiss the civil revision petition. No costs. Consequently, connected miscellaneous petition is closed.

07.04.2017

gms

To

The Principal District Munsif, Tiruvannamalai.

C.R.P.(P.D.) No. 1520 of 2013

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