

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.06.2017**

CORAM:

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

C.R.P.(P.D.) No.2824 of 2013 and
M.P.No.1 of 2013

R.Anbarasi

...Petitioner

Vs

S.Martin

...Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decretal order passed in I.A.No.12143 of 2012 in O.S.No.1846/2011 dated 12.06.2013 on the file of I Assistant City Civil Court, Chennai.

For Petitioner : Mr.G.Mohanarangan

For Respondent : Mr.V.Bhiman for
for M/s.Sampathkumar Associates

ORDER

The respondent filed a suit for mandatory injunction against the petitioner. In the said suit, the respondent filed an application for appointment of Advocate Commissioner to inspect the property. Since

there was an allegation that the petitioner trespassed into the property of the respondent, a prayer was made in the application for Commission to inspect the property shown in Schedule B. The application was allowed by the learned Trial Judge notwithstanding the objection raised by the petitioner. Feeling aggrieved, the petitioner has come up with this Civil Revision Petition.

2. Heard the learned counsel for the petitioner. I have also heard the learned counsel on behalf of the respondent.

3. There is a bonafide dispute as to whether the petitioner trespassed into a portion of the property owned by the respondent. It was only to clear the doubt, the Trial Court issued a Commission. The appointment of Advocate Commissioner is justified on account of the nature of the dispute. I do not find any error or illegality in the order warranting interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

4. In the up shot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

07.06.2017

svki

To

I Assistant City Civil Court, Chennai.

K.K.SASIDHARAN,J.

(svki)

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