



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2017

CORAM:

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THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.R.P.(NPD)(MD)No.1513 of 2017

and

C.M.P.(MD)No.8231 of 2017

Tmt.Shenbagam

... Petitioner /Petitioner/Plaintiff

-vs-

V.Saravanaperumal

... Respondent/Respondent/ Defendant

PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.77 of 2016 in O.S.No.576 of 2013 dated 03.2.2017 on the file of the II Additional District Sessions Court, Tirunelveli.

For Petitioner : Mr.D.Saravanan

ORDER

This Civil Revision petition has been filed to set aside the order passed in I.A.No.77 of 2016 in O.S.No.576 of 2013 dated 03.2.2017 by the II Additional District Sessions Court, Tirunelveli.

2.The suit was filed by the petitioner / plaintiff for declaration, permanent injunction and also mandatory injunction.

3.It is seen that pending suit, the petitioner preferred an application seeking for appointment of an Advocate Commissioner to note down the physical features of the suit property and measuring the same with the help of a civil engineer. It is also seen that even according to the petitioner, he had preferred the said application for appointing Advocate Commissioner only to collect evidence to substantiate her case. The said application was resisted by the respondent contending that no valid reason has been assigned by the petitioner / plaintiff for appointment of Advocate Commissioner and in such view of the matter, the petition is liable to be dismissed.



4.The Court below on considering of rival submissions made by the respective parties dismissed the application. As against the dismissal, the present Civil Revision Petition has been filed.

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5.Only for the purpose of collecting evidence to substantiate the case of the petitioner / plaintiff, the appointment of Advocate Commissioner is sought for, which is not sustainable in the eyes of law and hence, the Court below has rightly dismissed the petition as not maintainable. Accordingly, I do not find any reason to interfere with the order dated 03.02.2017 passed in I.A.No.77 of 2016 in O.S.No.576 of 2013 by the II Additional District Sessions Court, Tirunelveli.

6.Resultantly, this Civil Revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To:

The II Additional District Sessions Court,
Tirunelveli.

+One cc to Mr.D.Saravanan, Advocate, SR.No.76350

smi/ta
RL/3C/2P/SV/MMS/SAR2/26/9/2017

C.R.P. (NPD) (MD) No.1513 of 2017