



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2017

Coram:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP (MD) (PD) NO.483 of 2017

and

C.M.P. (MD) No.2309 of 2017

1. T.Thangapushpam

2. T.Arulvinnarasan

.. Petitioners/Respondents/Defendants

Vs.

1. Anthoniammal

2. Jeganathan

.. Respondents/Petitioners/Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for records in I.A.No.858 of 2015 in O.S.No.74 of 2015 dated 27.09.2016 on the file of the Principal District Munsif Court, Sankarankoil, Tirunelveli District and set aside the same by allowing the Civil Revision Petition.

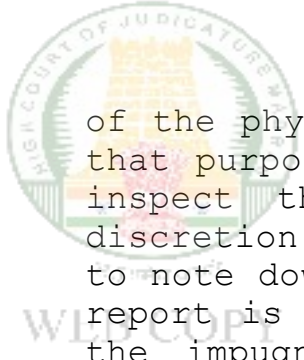
For Petitioner : Mr.S.Chandrasekaran

O R D E R

The Revision Petition is filed against the order passed by the trial court, appointing advocate commissioner to inspect the suit property, note down the physical features and submit a report along with a sketch.

2.The learned counsel for the petitioner submitted that it is only a suit for permanent injunction and there is no necessity for a commissioner to inspect the suit premises. Just to protract the proceedings and to make a roving enquiry, this application has been filed by the plaintiffs and such an attempt to make a roving enquiry should not be entertained under the garb of appointing advocate commissioner.

3.This court, after going through the impugned order, finds that the trial court has gone through the rival contentions made in plaint, written statement as well as in the application and counter by the respective parties and has observed that there are ~~https://hcservices.ecourts.gov.in/hcservices/~~ placed by the parties which are contrary to each other and for the Court, to arrive at a right decision, the report



of the physical features of the suit property is required and for that purpose, the Court had appointed an advocate commissioner to inspect the suit premises and filed a report. It is the discretion of the trial court to appoint an advocate commissioner to note down the physical features, if the Court feels that such a report is required to arrive at a just decision. In this case, the impugned order discloses the reason and justification for appointing the advocate commissioner, in which, this Court finds no error or illegality to interfere under Article 227 of the Constitution of India. Therefore, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar[RTI]

/True copy/

Sub Assistant Registrar

To
The Principal District Munsif Court,
Sankarankoil,
Tirunelveli District.

Copy to:
The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.D.Selvanayagam, Advocate, SR.13984

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AM-CM-MSA-21.03.2017-2P-4C