

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.1527 of 2017

ORDER:

Aggrieved by the dismissal of an application for appointment of a Commissioner to note down the physical features of Plot Nos.111 and 112, the defendant in a suit for eviction has come up with the present revision.

2. Heard Mr. K. Jyothi Prasad, learned counsel for the petitioner.

3. The suit is one for eviction. The suit schedule property is described as a building comprising of ground floor and first floor in an extent of 69 square yards bearing Plot No.111. Therefore, the only question to be adjudicated by the trial Court is whether the respondent can recover possession or not. For deciding such a question, the physical features of Plot Nos.111 and 112 are not necessary. In case the respondent is not entitled to recover the property, the suit may be dismissed without reference to the physical features. In case he is granted a decree, the Executing Court at the time of Execution Petition will identify the property. Therefore, in either case, the question of appointment of a Commissioner does not arise in suits of this nature.

Therefore, the Civil Revision Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 07-04-2017
Ksn