

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD)No.1364 of 2018 and
CMP.No.7181 of 2018

1. Nina Dasnavis Jennifer
2. Rina Doris Winifred Petitioners

Vs.

1. Derick
2. Santhanam ... Respondents

Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.11.2017 made in I.A.No.409 of 2017 in O.S.No.191 of 2012 on the file of the learned Principal District Munsif, Alandur.

For Petitioners : Mr.A.V.Arun

ORDER

The civil revision petition has been filed against the fair and decreetal order dated 23.11.2017 made in I.A.No.409 of 2017 in O.S.No.191 of 2012 on the file of the learned Principal District Munsif, Alandur.

2. The revision petitioners herein filed a suit in O.S.No.191 of 2012 before the learned Principal District Munsif, Alandur against the respondents herein seeking permanent injunction. Pending suit, the revision petitioners

filed an interlocutory application in I.A.No.409 of 2017 to appoint an Advocate Commissioner to note down the physical features of the suit property by taking photograph and measure the same. The respondents/defendants filed their counter and opposed the said application.

3. The trial Court after hearing the arguments advanced on either side, dismissed the application by an order dated 23.11.2017, against which the present civil revision petition has been preferred by the revision petitioners/plaintiffs.

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. It is not in dispute that the revision petitioners filed a suit in the year 2012 and they have filed an application to appoint advocate commissioner in the year 2017, after five years of filing the original suit. An Advocate Commissioner cannot be appointed for the purpose of proving the possession of the plaintiffs and it is for them to establish their possession by producing necessary materials before the Court. The trial Court has also rightly dismissed the application by observing the above said ground. This Court does not find

any illegality or infirmity in the order passed by the trial Court in I.A.No.409 of 2017 in O.S.No.191 of 2012 dated 23.11.2017. The revision petitioners have not made out any valid ground to take a different view in the matter.

8. In the result, the civil revision petition is dismissed. Consequently connected miscellaneous petition is closed. No costs.

Index:Yes/No

cgi

13.04.2018

To

The Principal District Munsif, Alandur.

सत्यमेव जयते
WEB COPY

P.VELMURUGAN, J.,

cgi



C.R.P.(PD)No.1364 of 2018 and
CMP.No.7181 of 2018

13.04.2018

WEB COPY