



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P. (PD) (MD) No.506 of 2014

and

M.P. (MD) No.1 of 2014

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V.Shanmugaraj

...Petitioner

Vs.

1.Vijayalakshmi

2.V.Rajendran

... Respondents

PRAYER: This petition is filed under Article 227 of Constitution of India, to set aside the order dated 28.11.2013 made in I.A.No.1228 of 2013 in O.S.No.557 of 2012 on the file of the Principal District Munsif Court, Tuticorin.

For Petitioner	:Mr.S.Rajasekar for T.Lajapathi Roy
For R1	:Mr.R.S.T.Ravanan @ Ramasubramanian
For R2	:No appearance

ORDER

This Civil Revision Petition is filed against the order of learned Principal District Munsif, Tuticorin, in I.A.No.1228 of 2013 in O.S.No.557 of 2012 dated 28.11.2013.

2.The Civil Revision Petitioner / plaintiff has filed a suit in O.S.No.557 of 2012, for declaration of title and consequential injunction, in respect of the suit property, which is an extent of 40 cents in Survey No.1535/1A1A, in Meelavittan Village, Tuticorin Taluk. The suit was contested by the first defendant in the suit that the suit property had already been transferred by the predecessors in interest of the plaintiff in favour of another, long back and therefore, the dispute in the suit is only about the title of plaintiff. However, the revision petitioner filed an application in I.A.No.122 of 2013 for appointment of Advocate Commissioner, to inspect the property and submit a report, after measuring the property and preparing a plan. In support of the said application, the revision petitioner has stated that his property is in S.No.1535/1A1A and that there is a dispute regarding measurement and survey number.

3.Having regard to the pleadings of both sides, this Court is able to see that the dispute is neither regarding measurement nor regarding survey number. The case of the revision petitioner is specific that he is the owner of the property in S.No.1535/1A1A. This is disputed by the first defendant that the property, to



which the plaintiff claims title, had been sold to a third party, long back, by the predecessors in the interest of the plaintiff. When the dispute is purely simple in relation to title of the property, there is no necessity for appointment of an Advocate Commissioner in this case.

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4.The lower Court has rightly dismissed the application on the ground that there is no scope for an Advocate Commissioner to inspect the property which would have some relevance to decide the issues that arise for consideration in the suit.

5.This Court find no reason to interfere with the order passed by the Lower Court to dismiss the application in I.A.No.1228 of 2013 in O.S.No.557 of 2012.

6.As a result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Principal District Munsif,
Thoothukudi.

Copy to

The Record Keeper, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.73777

+1cc to Mr.J.R.S.T.Ravanan @ Ramasubramanian, Advocate Sr.No.73566

PNN

VB/SKN/RSK/SAR4/31.07.2018/2P/6C

ORDER MADE IN
C.R.P. (PD) (MD) No.506 of 2014
and
M.P. (MD) No.1 of 2014
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