



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1797 of 2018

and

C.M.P. (MD) .No.7858 of 2018

K.Mohammed Abdul Khadar

.. Petitioner/Petitioner /
Plaintiff

vs.

1.K.Mohammed Aabdul Ajees

2.K.Mohammed Siddiq

.. Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 13.06.2018 made in I.A.No.495 of 2018 in O.S.No.344 of 2009 on the file of the Additional District Munsif, Dindigul.

For Petitioner : Mr.G.Gomathi Sankar

ORDER

The revision petitioner is the plaintiff in O.S.No.344 of 2009 on the file of the learned Additional District Munsif, Dindigul. It is a suit for declaration and injunction.

2. The petitioner herein had earlier taken out an application for appointment of Advocate Commissioner and it was also allowed. But the Advocate Commissioner did not file any report leading to closure of that IA. Therefore, the present I.A.No.495 of 2018 has been moved for the very same relief.

3. But in the affidavit filed in support of the present IA, the petitioner had made a statement that only through the Advocate Commissioner's report, he can establish his possession over the suit property. Therefore, applying the settled principles of law that an Advocate Commissioner cannot be appointed for gathering evidence to establish one's possession, the Court below dismissed the

<https://hcservices.courts.gov.in/hcservices/>

4. The order impugned in this civil revision petition cannot be



faulted. There is no merit in this petition. Hence, this Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

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Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Additional District Munsif,
Dindigul.

+ 1 CC TO Mr.G.GOMATHI SANKAR, ADVOCATE IN SR No. 81125

PJL

TE/VB/SKN/SAR-1 : 22/10/2018 : 2P/3C

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