

**THE HON'BLE SRI JUSTICE S.V.BHATT**

**C.R.P. No.981 of 2013**

**ORDER:**

The simple prayer for noting down physical features of the suit property is considered from the perspective of gathering evidence by plaintiffs in a suit for perpetual injunction and the application is rejected. Hence, the Civil Revision Petition.

To appreciate the nature of relief and the circumstances under which the revision petitioner is compelled to pray for appointment of Advocate Commissioner to note down the physical features, the attention of Court is drawn to rough sketch of suit location (plaint plan).

Having regard to the admitted and disputed circumstances pleaded by the defendants/respondents herein, this Court is of the view that the appointment of Advocate Commissioner for noting down the physical features alone ought not to have been refused. The further consideration of submissions made by the learned counsel appearing for the parties may result in a view being expressed by this Court.

The order under revision is set aside. I.A.No.717 of 2012 is allowed.

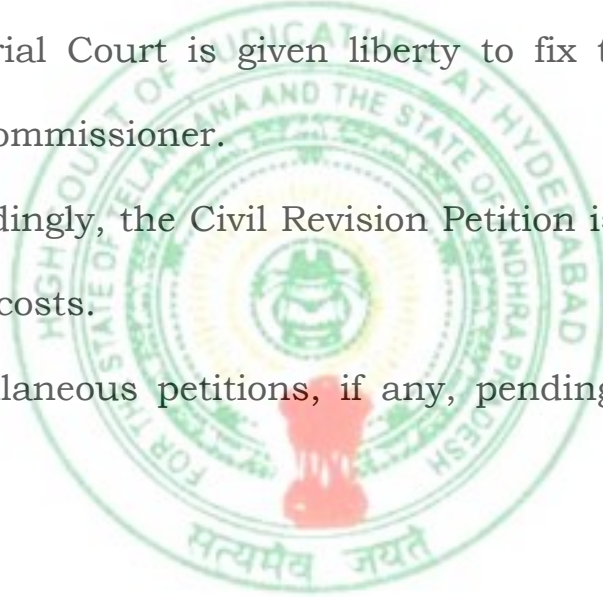
The trial Court considers appointment of Advocate Commissioner to note down the physical features and file report together with photographs/video if any taken and sketch drawn during and in the course of inspection of plaint land.

The parties are given liberty to file work memo after the appointment of Advocate Commissioner.

The trial Court is given liberty to fix the fee of the Advocate Commissioner.

Accordingly, the Civil Revision Petition is allowed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.



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**S. V. BHATT, J**

Dt: 11.10.2018  
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