

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.2950 of 2018

ORDER:

Aggrieved by the dismissal of an application for appointment of an Advocate Commissioner, the plaintiff in a suit for a bare injunction has come up with the above revision.

2. Heard Mr. K. Rama Rao, learned counsel for the revision petitioner.

3. The very suit filed by the petitioner is only for a bare injunction restraining the respondents from interfering with his possession and enjoyment of a property. The respondents 1 to 3 are not disputing the title or possession of the petitioner. It appears that the respondents 1 to 3 have lodged a complaint with the Gram Panchayat, which is the 4th respondent herein, on the ground that the petitioner is a source of nuisance carrying on mutton business.

4. When there is no dispute about the description of the property or its possession, I do not know how the petitioner would stand to benefit by the appointment of an Advocate Commissioner. The prayer for appointment of Advocate Commissioner was made with a view to note down the physical features. The prayer as seen from the affidavit in support of I.A.No.878 of 2016 out of which the present revision arises, is also for noting down whether any bad smell emanates from the petitioner's property. I do not think that an Advocate Commissioner is necessary to find out whether any smell emanates from a mutton stall. Therefore, the dismissal of I.A.No.878 of 2016 is perfectly in order.

Hence, the Civil Revision Petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 08-06-2018

Ksn

