

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.6902 of 2018

ORDER:

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

2. Heard Mr. M.M.M. Srinivasa Rao, learned counsel for the revision petitioner.

3. The suit is for permanent injunction restraining the respondents from interfering with the possession and enjoyment of the suit property. The plaint schedule shows that it is a plot of land. The plaint schedule also shows that there was a thatched house earlier and that the same was removed. Therefore, it is now a vacant land.

4. The reason as to why the petitioner wants the Advocate Commissioner is indicated in the affidavit in support of the application. The relevant portion of the affidavit sworn to by the petitioner in support of his application for appointment of an Advocate Commissioner is extracted as follows:

"The property in the plaint schedule and the Regd. Sale deed are not one and the same. I am advised that it is necessary to me to get appointment of Advocate-Commissioner to identify the property whether it belongs to me or the defendant and whether the defendant identified his property or mistakenly entering into the plaint schedule property, to note down the physical features along with the names of boundaries on local inspection. Hence, this petition."

5. The portion extracted above would show that the petitioner wants to establish the identity of his property. A person claiming to be in possession of a property in respect of which he is seeking a

decree for permanent injunction, cannot seek the appointment of an Advocate Commissioner for this purpose. Therefore, the trial Court was right in dismissing the application.

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: 23-11-2018

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