

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

**C.R.P.(PD).No.1631 of 2015**

**and**

**M.P.No.1 of 2015**

Sakunthala

... Petitioner

Vs.

1.V.Indirani

2.K.E.Murugesan

... Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 19.02.2015 made in I.A.No.3 of 2014 in O.S.No.127 of 2012 on the file of Additional Subordinate Judge, Dharmapuri.

For Petitioner : Mr.V.R.Annagandhi

For Respondents : No appearance

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**ORDER**

The present Civil Revision Petition has been filed to set aside the order dated 19.02.2015 passed by the learned Additional Subordinate Judge, Dharmapuri in I.A.No.3 of 2014 in O.S.No.127 of 2012.

2.The petitioner is the plaintiff in O.S.No.127 of 2012 before the Additional Subordinate Court, Dharmapuri. After the written statement was filed, the petitioner filed I.A.No.3 of 2014 under Order 26 Rule 9 and Section 151 of CPC, for appointment of an Advocate Commissioner.

3.The Court has dismissed the application on the ground that there is no dispute in the identity of the suit schedule property in the plaint and in the written statement and there is only a dispute regarding the title to the suit schedule property.

4.The Court has held that noting of the physical features of the suit property will not in any manner aid in the resolution of the dispute relating to the title. Therefore the court has dismissed the application.

5.I have perused the impugned order and the written statement filed in the above suit. The defendants have themselves also admitted in paragraph No.13 in their written statement filed in the above suit that an Advocate Commissioner can be appointed for determining the issue.

6.Considering the above, I am of the view that the order passed by the learned Subordinate Judge requires to be interfered. Accordingly, the impugned order is set aside. I.A.No.3 of 2014 in O.S.No.127 of 2012 is allowed.

7.Consequently, the Additional Subordinate Court, Dharmapuri is directed to appoint a legal Advocate Commissioner and thereafter proceed with the trial and pass a final judgment and decree within a period of nine months from the date of receipt of a copy of this order.

8.The present Civil Revision Petition stands allowed with the above observations. No cost. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

08.07.2019

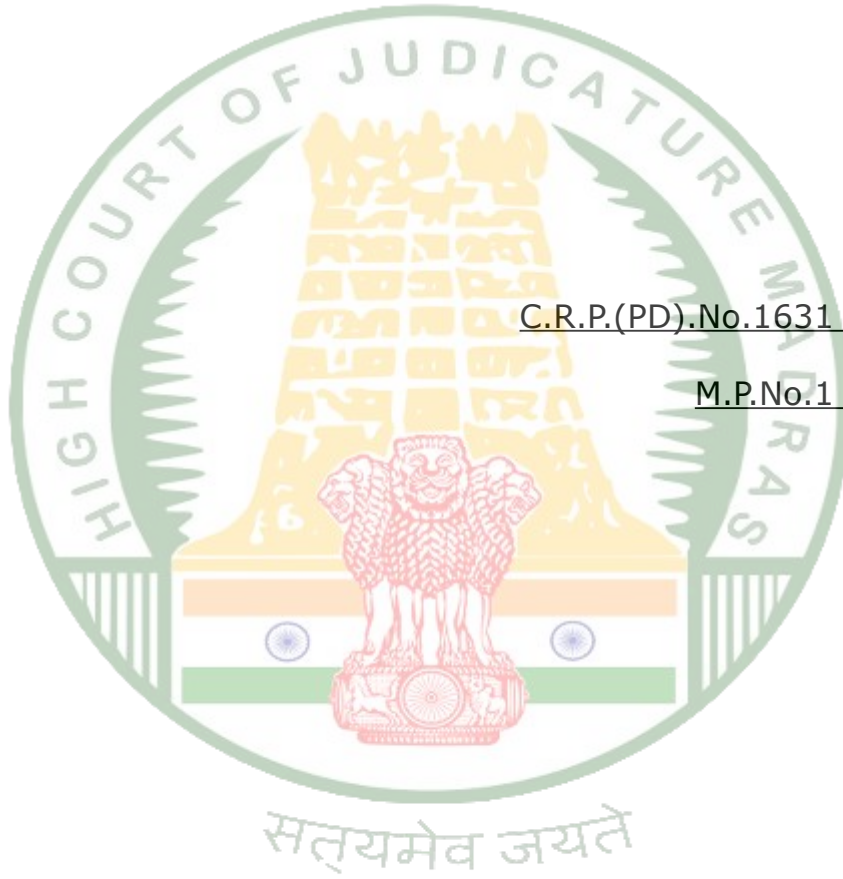
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To

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- 1.The Additional Subordinate Court,  
Dharmapuri.
- 2.The Section Officer,  
V.R.Section, High Court, Madras.

**C.SARAVANAN, J.**

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