

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.2556 OF 2019
and
C.M.P.No.16828 OF 2019

N.Radhakrishnan

... Petitioner

Vs.

Shree Ambiga Sugars Ltd.,
Eraiyr Pennadam R.S.Post,
Tittagudi Taluk, Cuddalore District.
Rep. by its General Manager.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Article 227 of Constitution of India, praying to set aside order dated 3rd November 2018 passed in I.A.No.472 of 2018 in O.S.No.59 of 2017 pending before the III Additional District and Sessions Judge, Cuddalore (present) Vridhachalam.

For Petitioner

: Mr.N.Radhakrishnan

ORDER

The petitioner is the defendant in the suit. He filed an

<http://www.judis.nic.in> Interlocutory Application in the suit for appointment of Advocate

Commissioner, to prove his possession and cultivation made in suit property. The Trial Court dismissed the Interlocutory Application on the ground that for proving the possession, Advocate Commissioner cannot be appointed. Aggrieved over the same, the petitioner is before this Court.

2. Heard the submissions made.

3. Admittedly the suit filed by the respondent is for declaration of title and delivery of possession. When it is an admitted fact that the petitioner is in possession, it is unnecessary to appoint an Advocate Commissioner to prove an admitted fact.

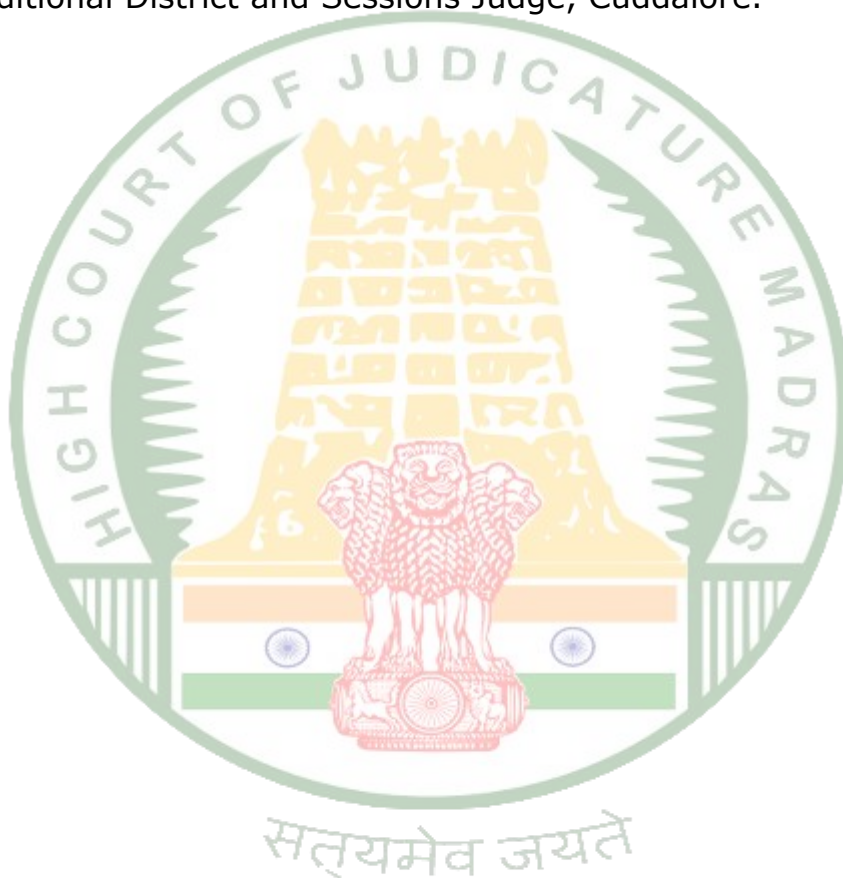
4. In the considered opinion of this Court, the Trial Court has rightly dismissed the Interlocutory Application filed for appointment of Advocate Commissioner to prove the possession of the petitioner. I do not find any infirmity in the order passed by the Trial Court. The Civil Revision Petition does not deserve admission and dismissed, accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

06.08.2019

Index: Yes/No
Speaking Order/Non Speaking order.

To

The III Additional District and Sessions Judge, Cuddalore.

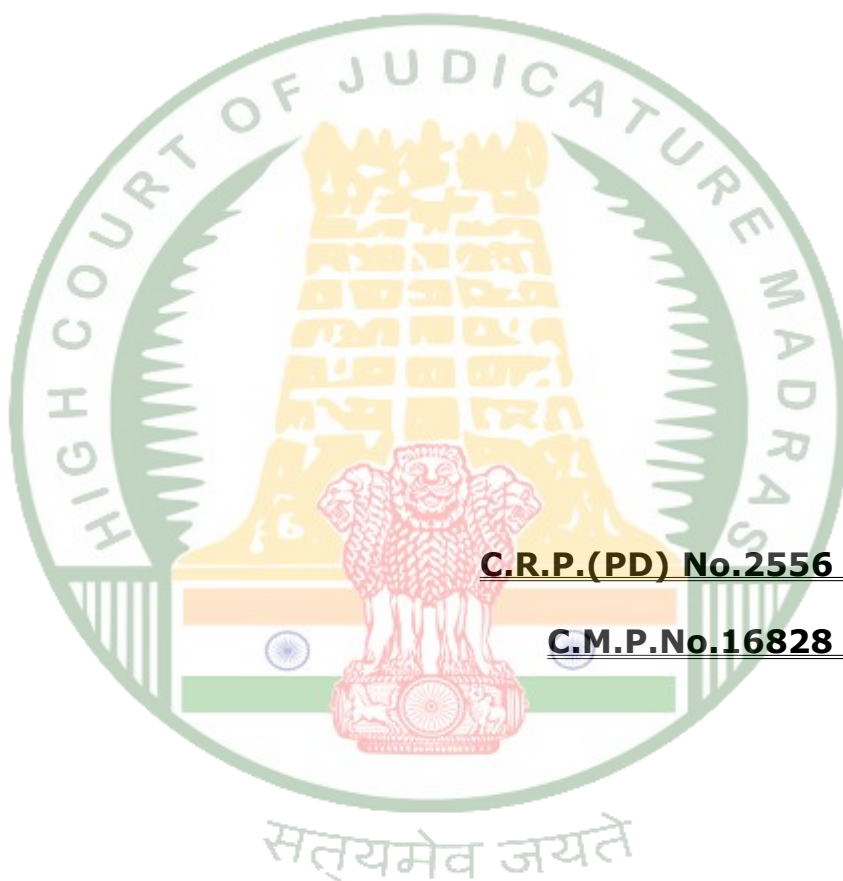


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M.GOVINDARAJ, J

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