

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

CRP (PD) NO.2456 OF 2019

AND

CMP NO.16042 OF 2019

1.Palani

2.Vanaboojanam

3.Jayalakshmi

...

Petitioners

VS.

Sampoornam

...

Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.178 of 2018 in O.S.No.59 of 2016, dated 22.01.2019, on the file of the District Munsif cum Judicial Magistrate No.I, Walajapet, Vellore District.

For Petitioners : Mr.K.Mohanamurali

WEB COPY
ORDER

The petitioners are the defendants in the suit filed by the respondent / plaintiff for injunction. They filed an interlocutory application for appointment of Advocate Commissioner to find out the

possession of the parties. The Trial Court considering the application has held that in a suit for injunction, Advocate Commissioner cannot be appointed to collect evidence.

2. Exactly, it is the case of the petitioners that they do not have any documents to show their possession and therefore, they sought for appointment of Advocate Commissioner. Such an application cannot be entertained. The Trial Court has rightly found that the appointment of Advocate Commissioner is not necessary in a suit filed for permanent injunction. Therefore, the right decision taken by the Trial Court does not warrant any interference.

3. The Civil Revision Petition merits no consideration and accordingly, stands dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

WEB COPY 30.07.2019

Index : Yes/No
Internet : Yes/No
TK

To

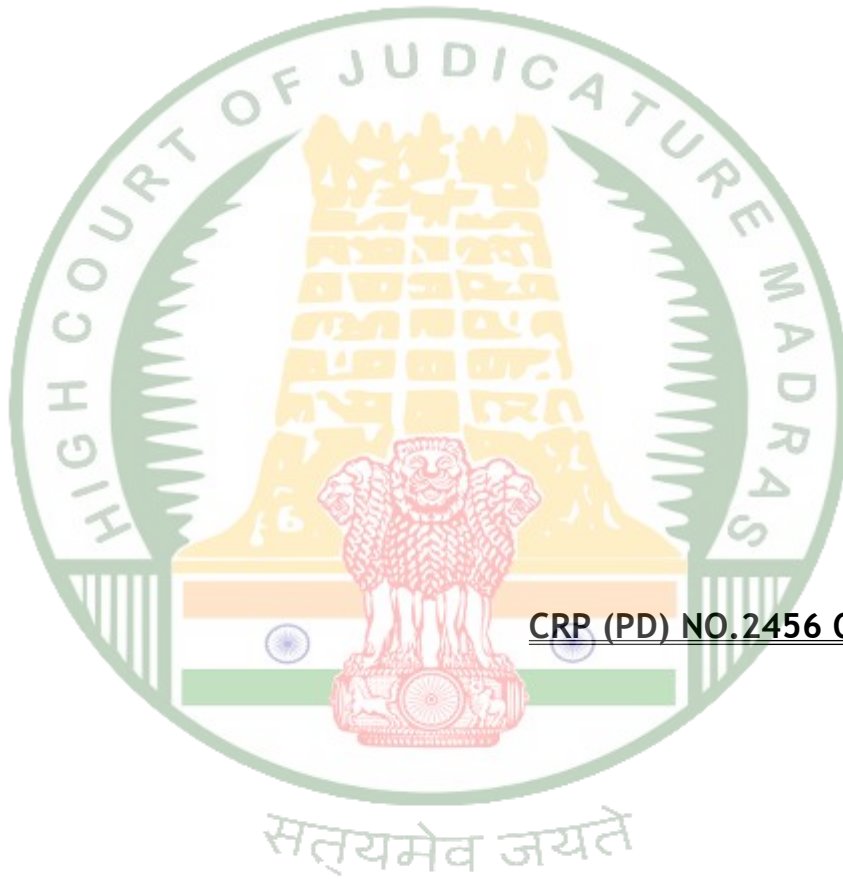
The District Munsif cum
Judicial Magistrate No.I
Walajapet,
Vellore District.



WEB COPY

M.GOVINDARAJ, J.

TK



CRP (PD) NO.2456 OF 2019

WEB COPY

30.07.2019