

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

CRP (PD) NO.363 OF 2016

AND

CMP NOS.1894 AND 12129 OF 2016

1.Manickam S/o. Rasappan
2.Ambika W/o. Manickam

... Petitioners

Vs.

Devigan S/o.Samidurai

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair order and decreetal order dated 05.12.2015 made in I.A.No.612 of 2015 in O.S.No.156 of 2015 on the file of Principal District Munsif at Thirukovilur.

For Petitioners : Mr.P.Iyyappan
For Respondent : Mr.T.K.Saravanan

ORDER

This Civil Revision Petition is directed against the order passed by the Trial Court appointing an Advocate Commissioner.

2. The respondent is the plaintiff in the suit and the revision petitioners are the defendants. An Advocate Commissioner was appointed by the Trial Court to find out whether the water pipelines and drainage lines were embedded in the passage, where the plaintiff sought for easementary right. The Trial Court considered that the appointment of Advocate Commissioner would elicit certain facts and it will assist the Court in arriving at a clear finding at the time of passing judgment.

3. It is submitted by the learned counsel appearing for the petitioners that the property belongs to the petitioners and the appointment of Advocate Commissioner is only to collect evidence. But, from a perusal of the documents, as well as the photographs, it is seen that there are evidences of pipelines running in the passage. Whether it comes from petitioners' property or respondent's property can be ascertained only through appointment of Advocate Commissioner. The Trial Court has exercised its jurisdiction properly in appointing an Advocate Commissioner. I do not find any irregularity in the order passed by the Trial Court.

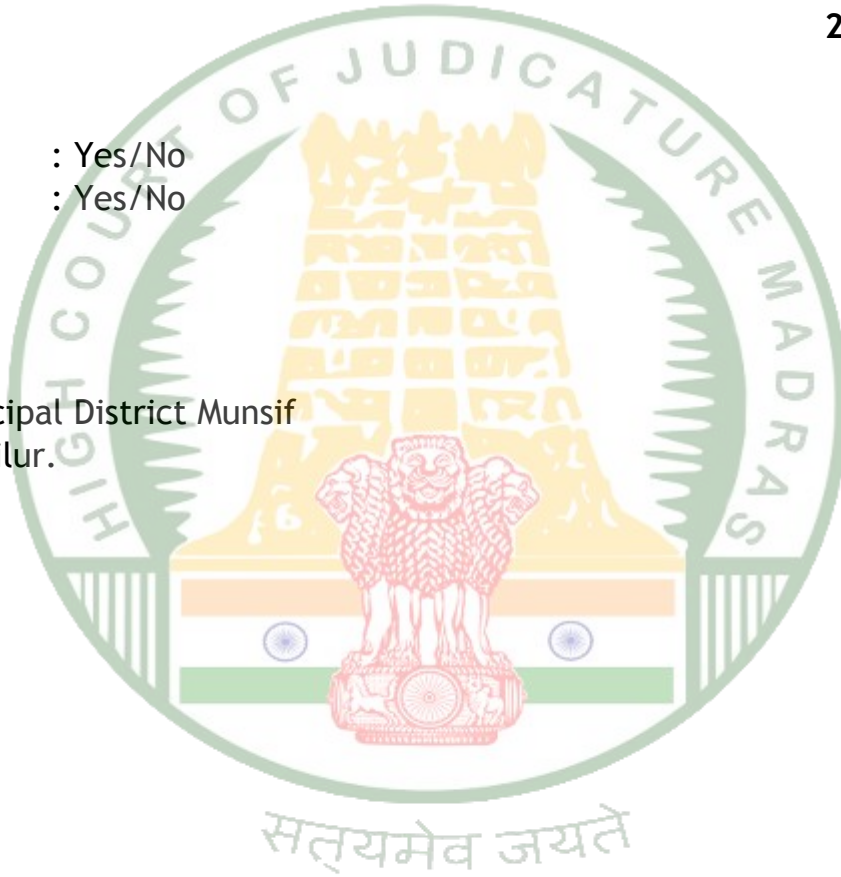
4. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petitions are closed.

28.06.2019

Index : Yes/No
Internet : Yes/No
TK

To

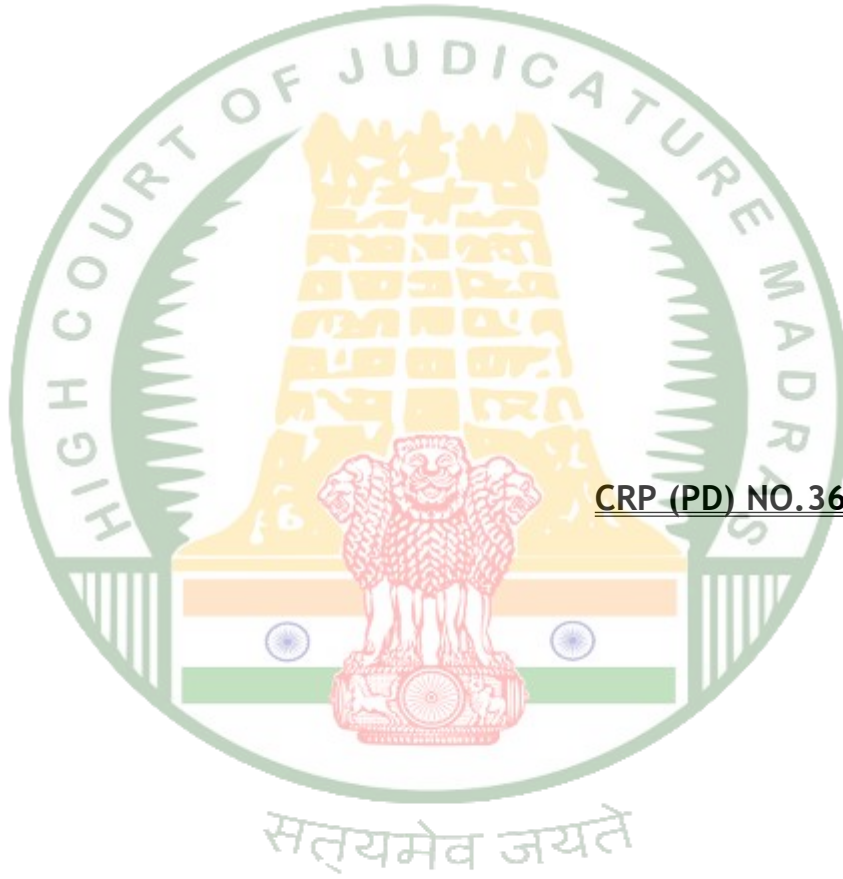
The Principal District Munsif
Thirukovilur.



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M.GOVINDARAJ, J.

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