

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 15.03.2019

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

C.R.P(PD).No.509 of 2016

&

C.M.P.No.2610 of 2016

J.Md Yusuf Khan

...Petitioner

Vs

1.Abdul Kareen

2.Annie Jennita

... Respondents

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 08.10.2015 made in I.A.No.12928 of 2015 in O.S.No.2586 of 2014 on the file of VI Assistant City Civil Judge, Chennai.

For Petitioner : Mr.K.Senthil Kumar

For Respondent 1 : No Appearance

For Respondent 2 : Mr.D.Venkateswaran

**ORDER**

The above Civil Revision Petition is filed challenging the order of the learned VI Assistant City Civil Judge, Chennai in I.A.No.12928 of 2015 in O.S.No.2586 of 2014 in appointing an Advocate Commissioner to inspect the suit property with various directions in a suit for bare injunction. The facts in brief which are necessary for the disposal of the above Civil Revision Petition are as follows:

2.The plaintiff has filed the above suit for an injunction restraining interference to his right to park his two wheeler in the area that has been designated to park two wheelers in the suit mentioned property as per approved building plan. In such a matter the Advocate Commissioner cannot be called upon to substitute evidence. Infact, a reading of the affidavit filed in support of the impugned application would clearly show that what the respondents/defendants are attempting to gather evidence through the Advocate Commissioner. Such a practice has been deprecated not only by this Court but also by the Apex Court. I find no justification in the learned VI Assistant Judge, Chennai allowing the said application.

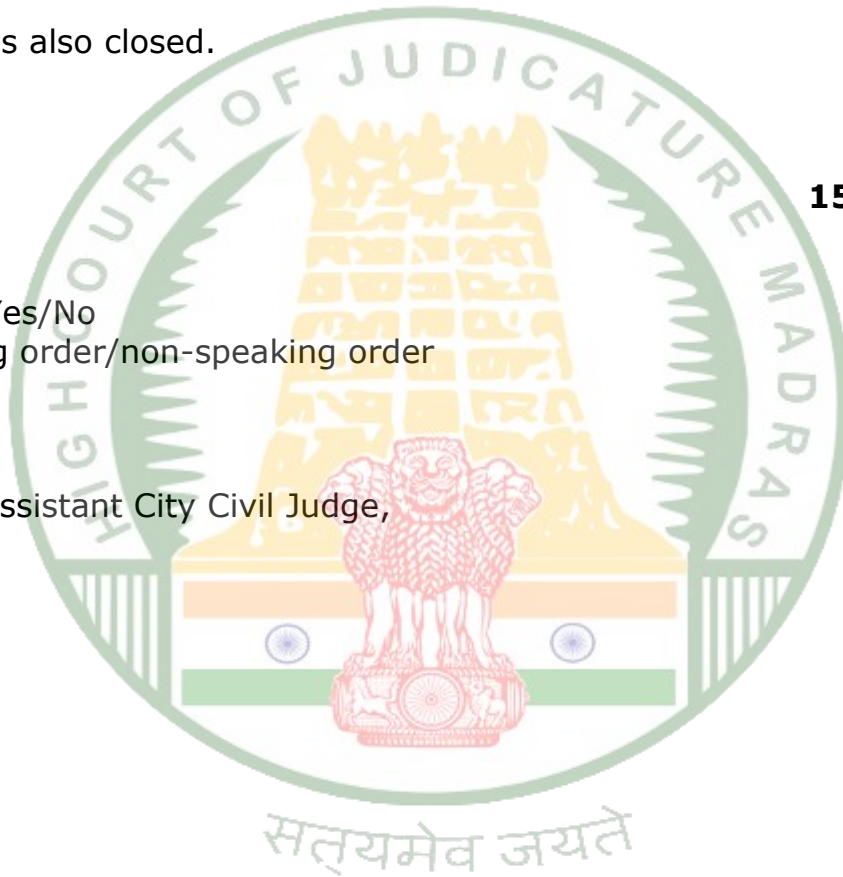
The Civil Revision petition is allowed and the order in I.A.No.12928 of 2015 in O.S.No.2586 of 2014 is set aside. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

**15.03.2019**

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Index : Yes/No  
Speaking order/non-speaking order

To,

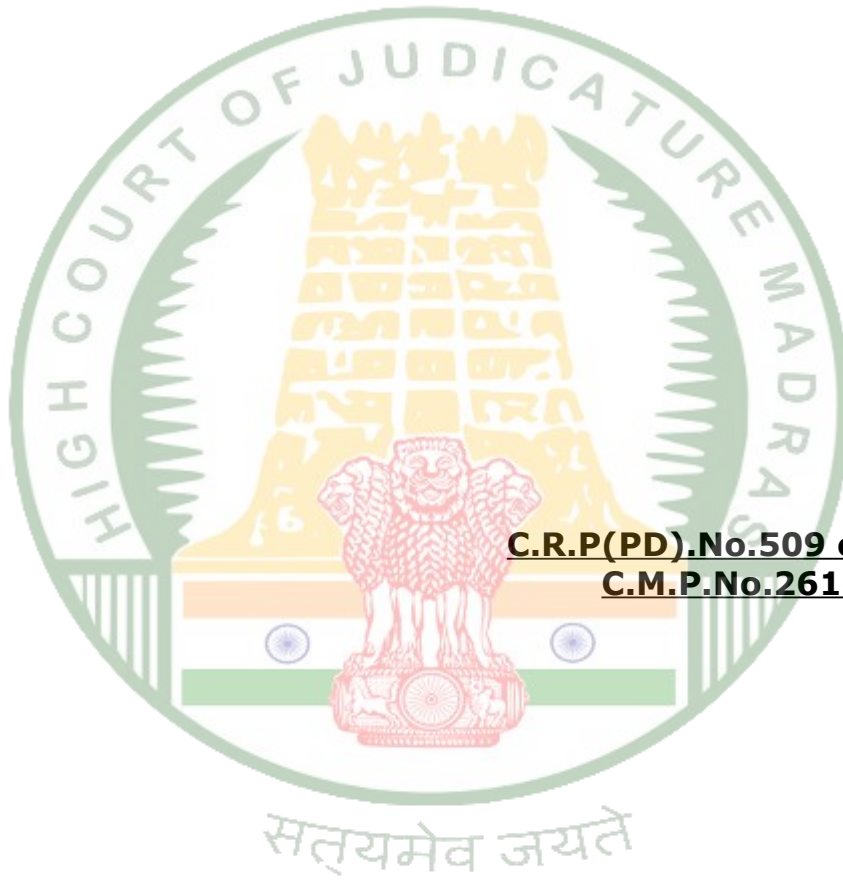
The VI Assistant City Civil Judge,  
Chennai.



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**P.T.ASHA, J.,**

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