

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

CRP (PD) NO.2467 OF 2019ANDCMP NO.16131 OF 20191.G.Dhanagopal
2.Thamizhselvi

...

Petitioners

VS.

1.G.Moorthy
2.M.Lalitha
3.Megala

...

Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order passed by the Additional Sub Court - II, Cuddalore, in I.A.No.34 of 2018 in A.S.No.17 of 2016 dated 25.01.2019.

For Petitioners : Mr.J.Pradeep

ORDER

The petitioners are the plaintiffs in the suit filed for declaration of title and permanent injunction. They filed an interlocutory application under Order 26 Rule 10-A read with Section 151 of Code of Civil Procedure for appointment of an Advocate

Commissioner to prove to their possession and enjoyment of "B" Schedule property.

2. It is well settled that in a suit for declaration and permanent injunction, Advocate Commissioner cannot be appointed to prove possession of the parties. The Trial Court has dismissed the suit, against which they filed an appeal and at the appellate stage, they want to show their possession and enjoyment of "B" Schedule property through appointment of Advocate Commissioner. Such an application, as rightly found by the Trial Court, is not sustainable in law and accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

सत्यमेव जयते

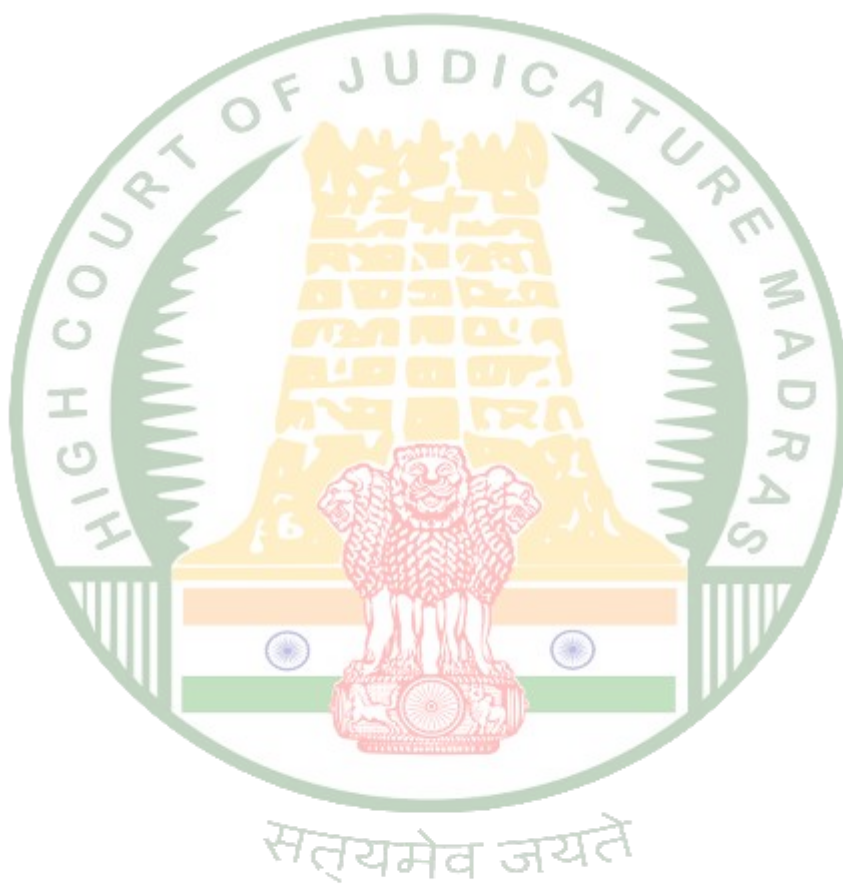
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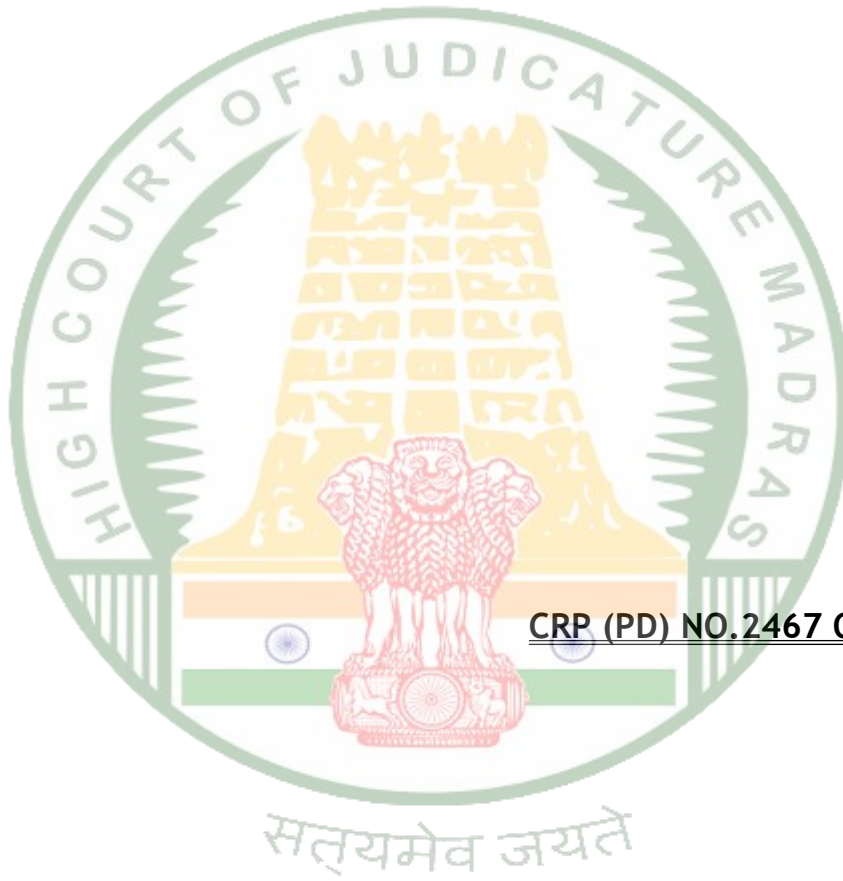
The Additional Sub Judge
Additional Sub Court - II
Cuddalore.



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M.GOVINDARAJ, J.

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