

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.2444 OF 2019

and

C.M.P.No.15956 OF 2019

P.Babu

... Petitioner

Vs.

S.Sarathaman

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair order dated 08.07.2019 made in I.A.No.666 of 2018 in O.S.No.123 of 2018 on the file of the Principal District Munsif Court, Poonamallee.

For petitioner : Mr.Amar D.Pandiya

सत्यमेव जयते

ORDER

This Civil Revision Petition is filed by the petitioner / defendant against the order appointing an Advocate Commissioner. The respondent filed a suit for ejection and delivery of vacant possession. It

is the case of the respondent that the demised premises is a car shed attached to the house precincts. The petitioner / defendant has taken a stand that there is no connection between his place of business and the suit property of the respondent / plaintiff. To establish that the suit property and business place by the petitioner / defendant are one and the same, the respondent / plaintiff sought for appointment of advocate commissioner and the same was allowed. Now that, the petitioner has come before this Court against the order for appointment of Advocate Commissioner.

2. The learned counsel for the petitioner would vehemently contend that before filing of the written statement, the respondent should not have filed a petition for appointment of Advocate Commissioner. The petitioner is denying the title of respondent. Therefore, the appointment of Advocate Commissioner is high handed and unnecessary.

3. I have considered the rival submissions.

4. It is the case of the petitioner that the house of the respondent and his business place are not connected and both situate at

different places. In fact, appointment of Advocate Commissioner is only to clarify the ambiguities. The physical features if noted by the Advocate Commissioner, it will elucidate the facts that whether such statement is Correct or not and will reduce the time of the Court. It will be helpful for the Court to easily arrive at a conclusion with the report of the Advocate Commissioner. Considering all these aspects only the trial Court has appointed the Advocate Commissioner. Hence, there is no infirmity in the order passed by the trial Court.

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

30.07.2019

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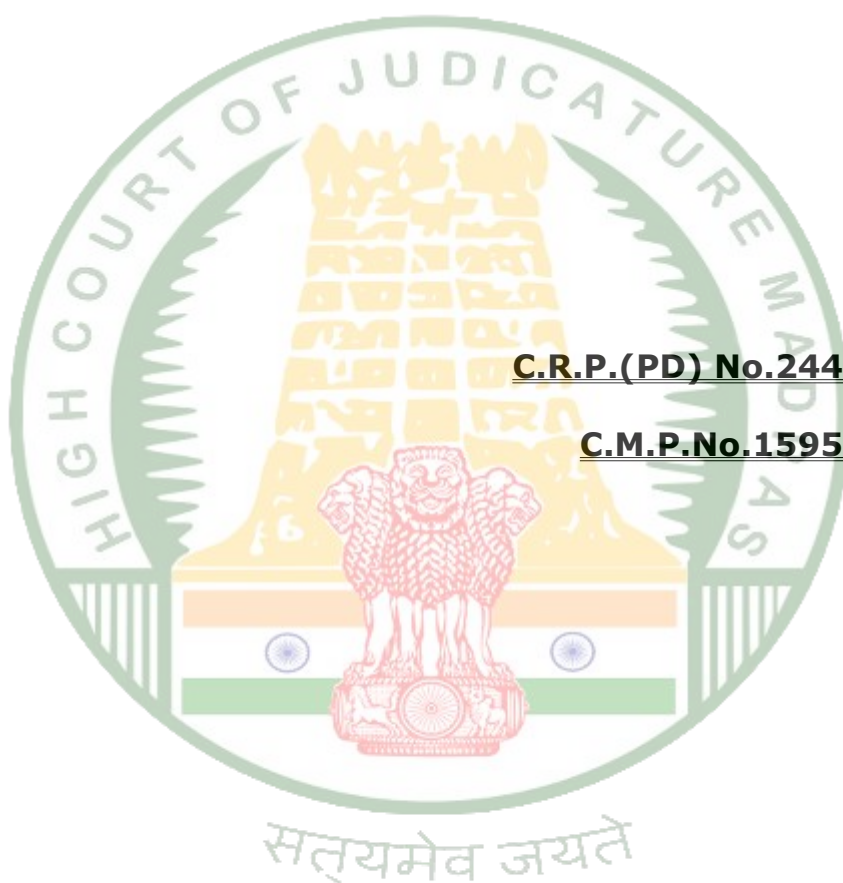
Index: Yes / No
Speaking order / Non speaking order

To

The Principal District Munsif Court, Poonamallee.

M.GOVINDARAJ, J.,

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