

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

C.R.P.No.2949 of 2019 and C.M.P.No.19042 of 2019

1.Ramalingam

2.Anbazhagan

... Petitioners / Plaintiffs

-Vs-

1. Periyasamy

2. Chitra

... Respondents/Defendants

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order made in I.A.No.1 of 2019 in O.S.No.41 of 2013 dated 06.07.2019 on the file of the learned District Munsif, Jayankondam.

For Petitioners: Mr.T.Chandrasekaran

O R D E R

This revision has been filed against the fair and decreetal order dated 06.07.2019 passed by the learned District Munsif, Jayankondam in I.A.No.1 of 2019 in O.S.No.41 of 2013.

2. The Court below, in the impugned order, has rejected the plea of the petitioner to appoint an Advocate Commissioner.

3. In this context, the learned Judge, in the impugned order, has given the reason as to why such plea has to be rejected. In the said reasoning, the learned Judge pointed out that, as to whether there was a pathway available pursuant to the sale deed, can be decided only on verifying the sale deed and in this regard, the Advocate Commissioner's report would no way be helpful to the Court to decide the issue. The learned Judge has given a reason that, if at all the issue with regard to the pathway is to be decided, that can be decided based on the sale deed to be produced by the parties and not by way of Advocate Commissioner's report as the said reasoning is justifiable, this Court finds no infirmity in the said reasoning.

4. There is no error apparently on the face of the record and the learned Judge has not exceeded the power vested on him or that, he has not exercised the power not vested on him. For all these reasons, this Court feels that the impugned order can

very well be sustained and it does not require any interference from this Court under Article 227 of the Constitution of India.

5. In that view of the matter, this Court is inclined to dismiss the present Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-VI)

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Sub Assistant Registrar

KST

To

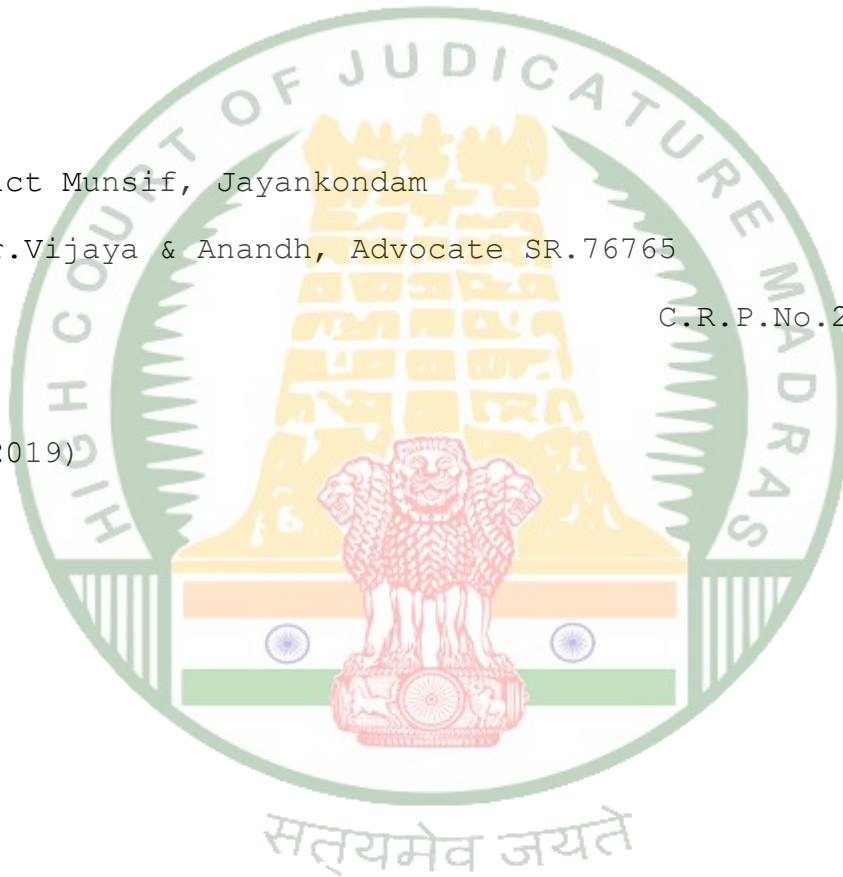
The District Munsif, Jayankondam

+1cc to Mr.Vijaya & Anandh, Advocate SR.76765

C.R.P.No.2949 of 2019

PVS (CO)

CB(31/10/2019)



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