



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.4096 of 2019

Dhanalakshmi @ Porkilai .. Petitioner/Petitioner/  
Defendant  
Vs.

Mangalamary .. Respondent/Respondent/  
Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decreetal order dated 24.06.2019, passed in I.A.No.1276 of 2017 in O.S.No.104 of 2012 on the file of the learned Principal District Munsif, Tindivanam.

For Petitioner : Ms.Shyamala T.Rajan

- - - - -

O R D E R

Present revision has been filed against the order dismissing the petitioner's application filed under Order XXVI Rule 9 of C.P.C. for appointment of Advocate Commissioner to measure the suit property.

2. The respondent herein has filed the suit in O.S.No.104 of 2012, on the file of the learned Principal District Munsif, Tindivanam, for declaration of title and for permanent injunction restraining the petitioner herein from interfering with her possession and enjoyment of the suit property.

3. The suit has been filed in the year 2012. The trial Court has completed the examination of the plaintiff and the matter has been posted for examination of defendant side witnesses. At that stage, the petitioner has filed an application for appointment of Advocate Commissioner to measure the suit property with the help of a surveyor. The trial Court by order dated 24.06.2019, dismissed the application stating that the application has been filed only to gather the evidence and to drag on the proceedings. Now, challenging the said



dismissal order, present revision has been filed.

4. Heard the learned counsel appearing for the petitioner and also perused the records carefully.

WEB COPY

5. The suit is pending from the year 2012. Trial has commenced and the plaintiff side evidence is over and now the suit is posted for defendant side evidence. Now, after the commencement of the trial, the petitioner has come out with the present application for appointment of Advocate Commissioner to measure the suit property. Petitioner's suit is for title and it is for her to prove her title by admissible evidence, measuring of the suit property will in no way support the case of the petitioner. The trial Court considered all these aspects and dismissed the said application. This Court does not find any illegality or irregularity in the same as the trial Court has rightly dismissed the application. There is no merit in the revision and the same is liable to be dismissed.

6. In the result, the civil revision petition is dismissed and the order and decretal order of the Court below, impugned in this revision petition, are hereby confirmed. No costs.

Sd/-

Assistant Registrar(Writ)

//True Copy//

Sub Assistant Registrar

kk

To

The Principal District Munsif,  
Tindivanam.

C.R.P.No.4096 of 2019

aa01/07/2020

2/2