

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

C O R A M

THE HON'BLE MR. JUSTICE M.S. RAMESH

C.R.P. [PD] No. 4198 of 2018
and
C.M.P. No. 23071 of 2018

Mr.R. Radhakrishnan

... Petitioner

Vs

- 1.Mr. Barathan
- 2.Mrs. Valliammal
- 3.The Branch Manager,
Catholic Syrian Bank,
Nos.474, 476 & 478,
Mahatma Gandhi Road,
Puducherry -605 001.
- 4.Mr. C.Sadanandam
- 5.Union Territory of Puducherry,
Rep. by its Chief Secretary,
Chief Secretariat Office,
Puducherry -13
- 6.The Sub Registrar - Oulgaret,
The Sub Registrar Office,
Reddiarpalayam, Puducherry.

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 14.11.2018 passed in I.A. No.554 of 2018 in O.S. No. 28 of 2010 by the I Additional District Munsif Judge, Puducherry and allow this Civil Revision Petition.

For Petitioner : Mr. V.S. Senthilkumar

ORDER

The learned counsel for the petitioner submitted that the observation of the court below while rejecting the application seeking for appointment of an Advocate Commissioner that the suit is one for injunction is incorrect, since the suit is apparently for declaration of two sale deeds as null and void. Even assuming such an observation is inconsistent with the relief claimed by the petitioner in the plaint, I am unable to comprehend as to how the relief sought for by the petitioner herein, in the plaint for declaration of two sale deeds as null and void and for direction to the revenue authorities to make certain necessary entries in the revenue documents could have any nexus for appointment of Advocate Commissioner for the purpose of noting down the physical features of the suit properties. Even assuming that such Advocate Commissioner is appointed and a report filed therein, the same may not be in any way useful to the Court below vis-a-vis the relief sought for in the suit. As such the application seeking for Advocate Commissioner itself is inconsistent with the main relief sought for. Hence, the appointment of Advocate Commissioner in the present suit does not arise.

2.This Civil Revision Petition stands closed. Consequently, connected miscellaneous petition is closed. No costs.

07.01.2019

vsn/maya

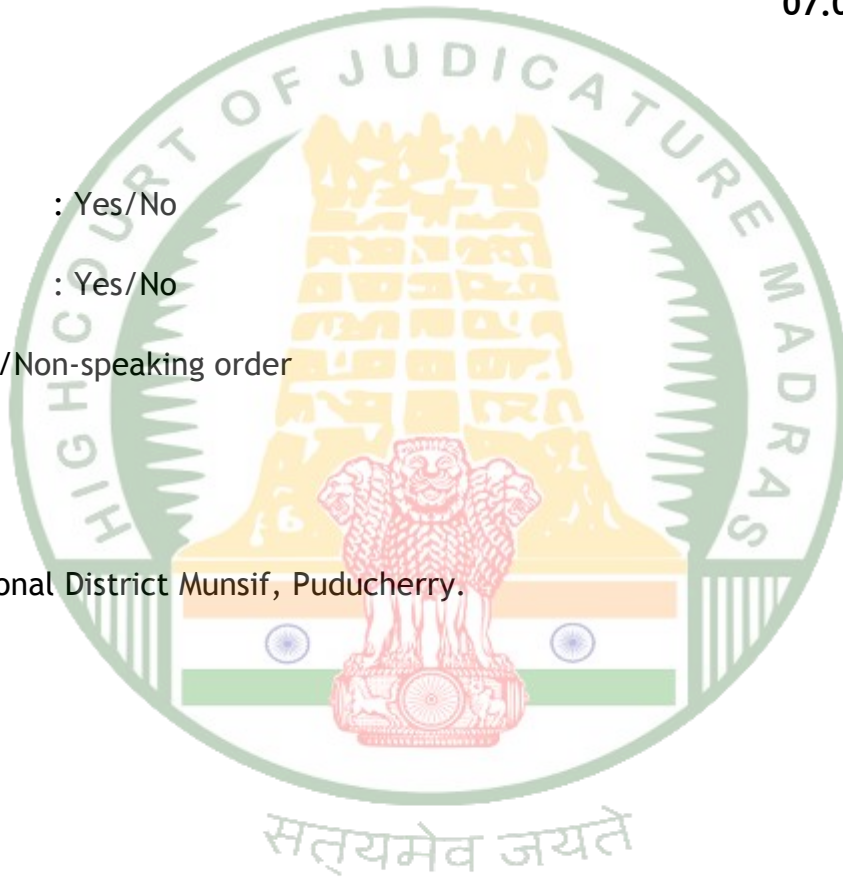
Index : Yes/No

Internet : Yes/No

Speaking /Non-speaking order

To

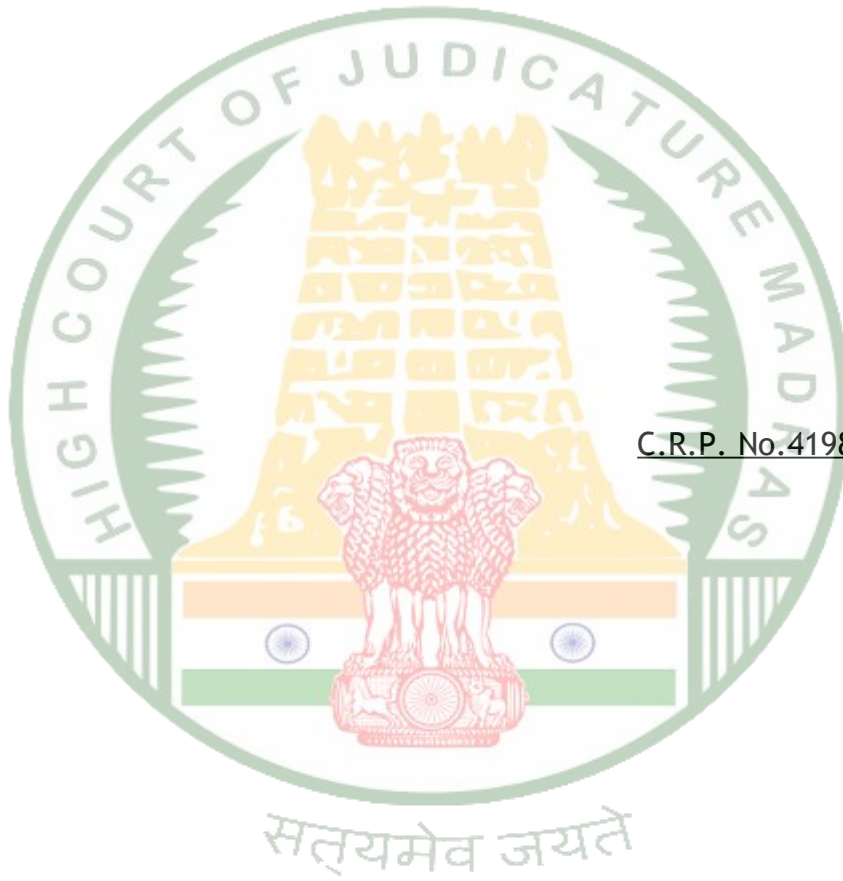
1.I Additional District Munsif, Puducherry.



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M.S.RAMESH, J.

vsn/maya



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