

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. PD 217 of 2020

and

C.M.P. 1190 of 2020

N.Soundararajan

... Petitioner

Versus

1. A.Seetha

2. A.Ashok Kumar

3. A.Anbuselvi

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and decretal order dated 27.04.2019 passed in I.A. 950 of 2018 in O.S. 261 of 2018 on the file of the Principal District Munsif, Cuddalore.

For Petitioner : Mr.R.Gururaj

ORDER

This Civil Revision Petition has been filed against the order dismissing the petition filed by the petitioner seeking to appoint an advocate commissioner.

2. The petitioner is a Plaintiff in the Suit. He has filed a suit for bare injunction. In the above suit, the petitioner has filed an application to appoint an advocate commissioner to inspect the suit property, and also to note down the physical features, existence of borewell, electricity connection and flow of water supply from item 1 of 'A' schedule property to 'B' schedule property and to file a report. According to the petitioner, he is owner of 'A' schedule property. He is irrigating 'B' schedule property through the water from the borewell situated in item No.1 of the 'A' schedule property. To show the same, the petitioner has filed the present application. The Trial Court has dismissed the application holding that, the petitioner is a plaintiff in the suit for injunction, and he has to prove his case by producing oral and documentary evidence, and he cannot collect evidence through an advocate commissioner. Challenging the same, the present Civil Revision Petition has been filed.

3. I have heard and considered the submissions made by Mr.R.Gururaj, learned counsel appearing for petitioner, and perused the records carefully.

4. It is a suit for bare injunction, the petitioner is claiming right as a lessee in the suit schedule property, and it should be proved through necessary oral and documentary evidence. The petitioner has filed an application seeking for appointment of an advocate commissioner to show that, he is taking water from the suit schedule property from his own land, in other words, it has been filed only for collecting evidence through an advocate commissioner. The court below considering the same rightly dismissed the application. I find no illegality or irregularity in the order passed by the court below, and I find no merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

सत्यमेव जयते

27.01.2020

Index : Yes/No
Internet: Yes/No
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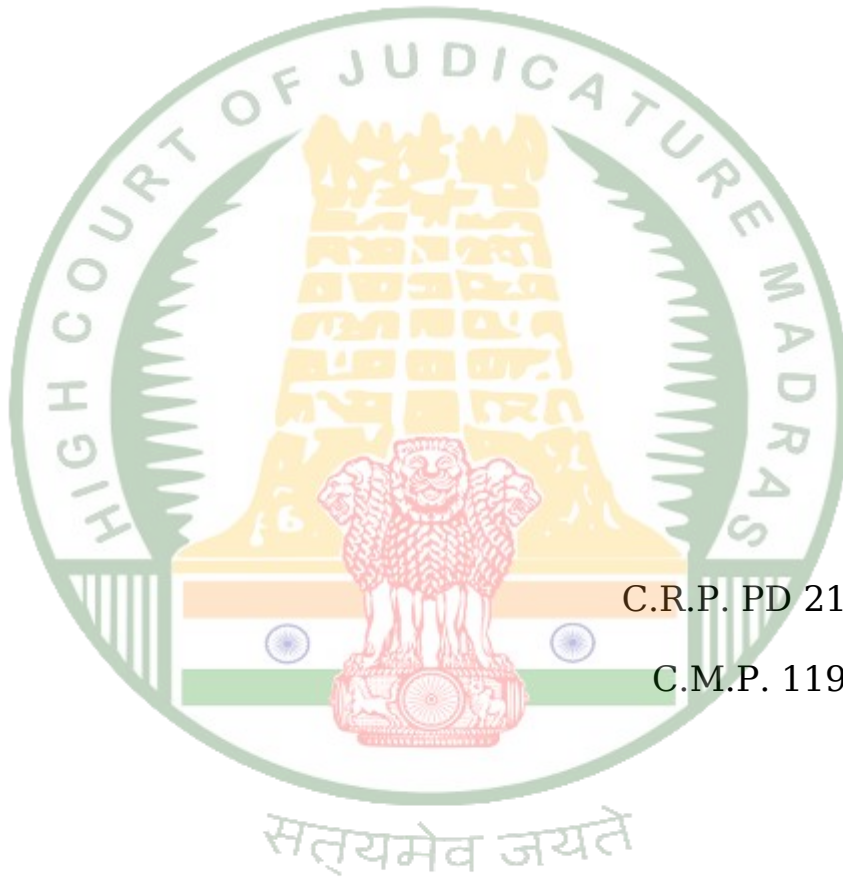
To

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Principal District Judge,
Cuddalore.

V.BHARATHIDASAN,J.

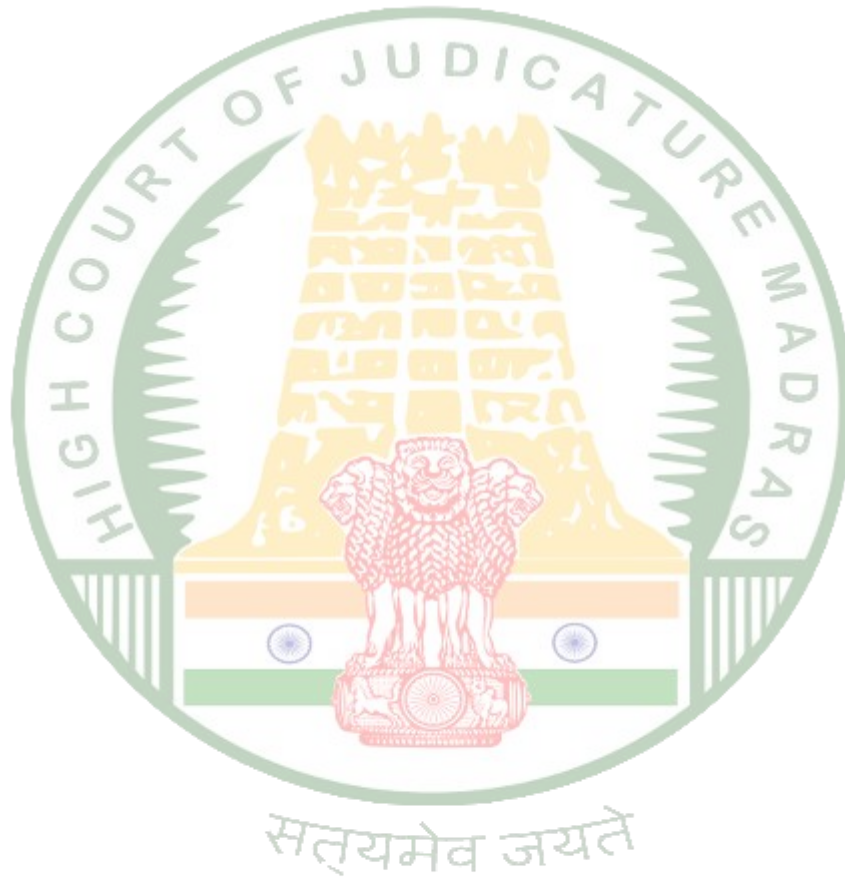
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