

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.12.2020

PRONOUNCED ON : 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CRP(PD)No.72 of 2017
CMP.No.379 of 2017

(Through Video Conferencing)

1. Nataraja Gounder
2. Sakthivel

Petitioners

Vs

Karunanithi

Respondent

Prayer:- This Civil Revision Petition has been filed, under Section 227 of the Constitution of India, to set aside the fair and final order dated 15.11.2016, made in IA.No.11 of 2016 in OS.No.1 of 2015, by the II Additional District Sessions Judge, Tindivanam.

For Petitioner : Mr.Arun Kumar

For Respondent : Mr.K.Balakrishnan

ORDER

1. This Civil Revision Petition has been filed, to set aside the fair and final order dated 15.11.2016, made in IA.No.11 of 2016 in OS.No.1 of 2015, by the II Additional District Sessions Judge, Tindivanam.
2. The facts of the case, in a nutshell, are that the Defendants are the Petitioners and the Plaintiff is the Respondent. The suit was filed for specific performance and permanent injunction. In the suit, the present application

was filed, seeking appointment of Advocate Commissioner to inspect the suit property and to file a report. By the impugned order, the said application was dismissed. Hence, this Civil Revision Petition has been filed.

3. This court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.
4. According to the Petitioners, in order to ascertain the value of the building and to give the picture of the suit house, appointment of Advocate Commissioner is necessary. On the other hand, it is the case of the Respondent that in a case for specific performance, to ascertain the value, the appointment of Advocate Commissioner is not necessary.
5. Admittedly, the suit is for specific performance. The appointment of Advocate Commissioner was sought to inspect the suit property and to ascertain the value of the building and to give the picture of the suit. Hence, in this case, it is clear that the purpose, for which appointment of Advocate Commissioner was sought for, is irrelevant to the relief claimed in the suit. Further, the suit is at the stage of advancing arguments. Considering those aspects, the relief of appointment of Advocate Commissioner claimed by the Petitioners was rightly rejected, by the impugned order, which warrants no interference by this Court, as there is no infirmity in the impugned order.
6. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, the connected MP is closed.

17.12.2020

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Srcm

To

1. The II Additional District Sessions Judge, Tindivanam

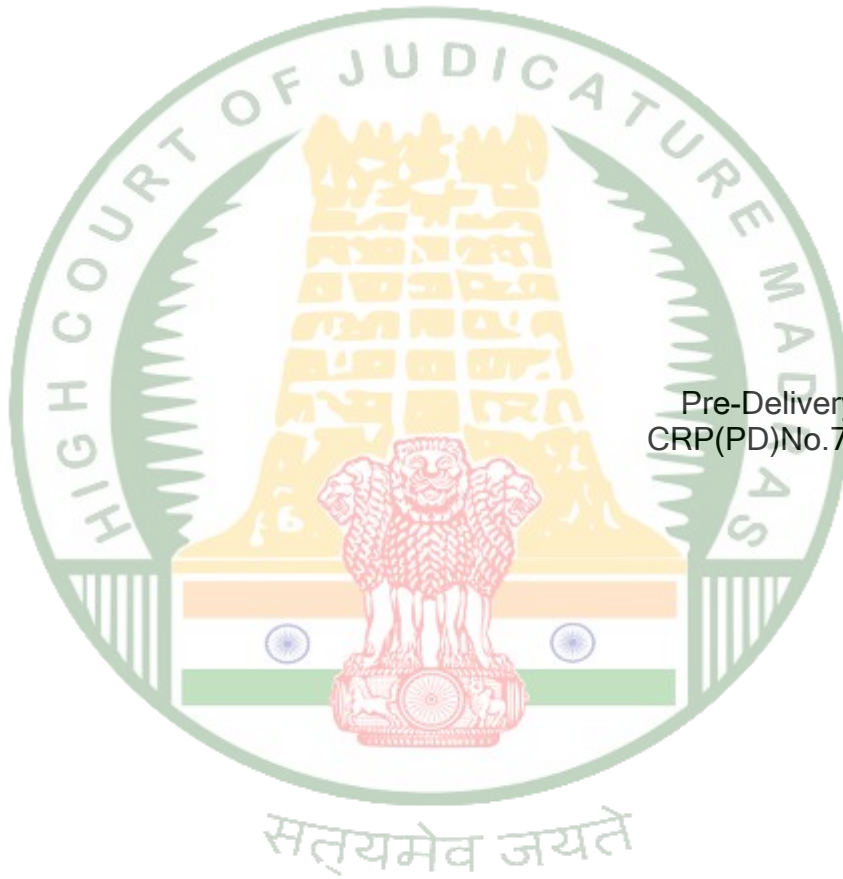


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A.A.NAKKIRAN, J.

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Pre-Delivery Order in
CRP(PD)No.72 of 2017

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