

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.3839 of 2015
and M.P.No.1 of 2015

1. Lakshmanan
2. Lakshmi
3. Sureshkumar
4. Selvarani allias Nithya ... Petitioners

Vs.

Natesan ... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 24.06.2015 made in I.A.No.1412 of 2014 in O.S.No.376 of 2012 on the file of the Court of the Additional District Munsif, Namakkal, by allowing the Civil Revision Petition.

For Petitioners : No appearance

For Respondent : No appearance

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ORDER

This revision petition is arising out of the fair and decreetal order dated 24.06.2015 passed by the learned Additional District Munsif, Namakkal in I.A.No.1412 of 2014 in O.S.No.376 of 2012, thereby dismissing the application filed by the petitioners to appoint an Advocate Commissioner to inspect the suit property and to note down its physical features.

2. The respondent filed the suit for injunction in respect of the common pathway more fully described in the suit schedule property as against the petitioners herein. After completion of pleadings, the trial was commenced and on the side of the respondent/plaintiff, he was examined as P.W.1 in chief. When the matter was posted for cross examination of P.W.1, the petitioners/defendants have taken the application to appoint an Advocate Commissioner to note down the physical feature of the suit property and to submit his report along with plan.

3. Admittedly, the suit is filed for injunction. When the suit is filed for injunction, the appointment of Advocate Commissioner cannot be possible, since it would amount to collection of evidence. More over, the said application was filed after the examination of P.W.1. Therefore, the trial Court rightly dismissed the petition filed by the petitioners to appoint advocate commissioner to note down the physical features of the suit property, as such this Court finds no illegality or infirmity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.01.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

G.K.ILANTHIRAIYAN, J.

rts

To

1. The Additional District Munsif,
Namakkal.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.



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