

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2021

CORAM

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

CRP.NPD.No.2383 of 2018

and

C.M.P.No.14722 of 2018

Arumugam

... Petitioner

Vs.

1. Rajalakshmi

2. Uchan

3. Veeran

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order in I.A.No.1200 of 2017 in O.S.No.173 of 2013 dated 22.01.2018 on the file of the 1st Additional District Munsif, Tirukoilur.

For Petitioner : Mr.N.Suresh

For Respondents : Notice Served
(No Appearance)

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.1200 of 2017 in O.S.No.173 of 2013 dated 22.01.2018 on the file of the learned 1st Additional District Munsif, Tirukoilur, thereby dismissing the petition for appointment of Advocate Commissioner.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner and others filed a suit for declaration and permanent injunction in respect of the suit property. The suit was filed in the year 2013. After a period of four years, the petitioner come forward with the petition for appointment of Advocate Commissioner to inspect the suit property and file a report in respect of respective possession of the suit property and their names. Since the petitioner sought for appointment of Advocate Commissioner to verify who is in possession of the suit property, the prayer for appointment of Advocate Commissioner itself amounts to collection of evidence. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by

the Court below.

3. Accordingly, this Civil Revision Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

15.06.2021

Speaking/Non-speaking order

Index : Yes/No

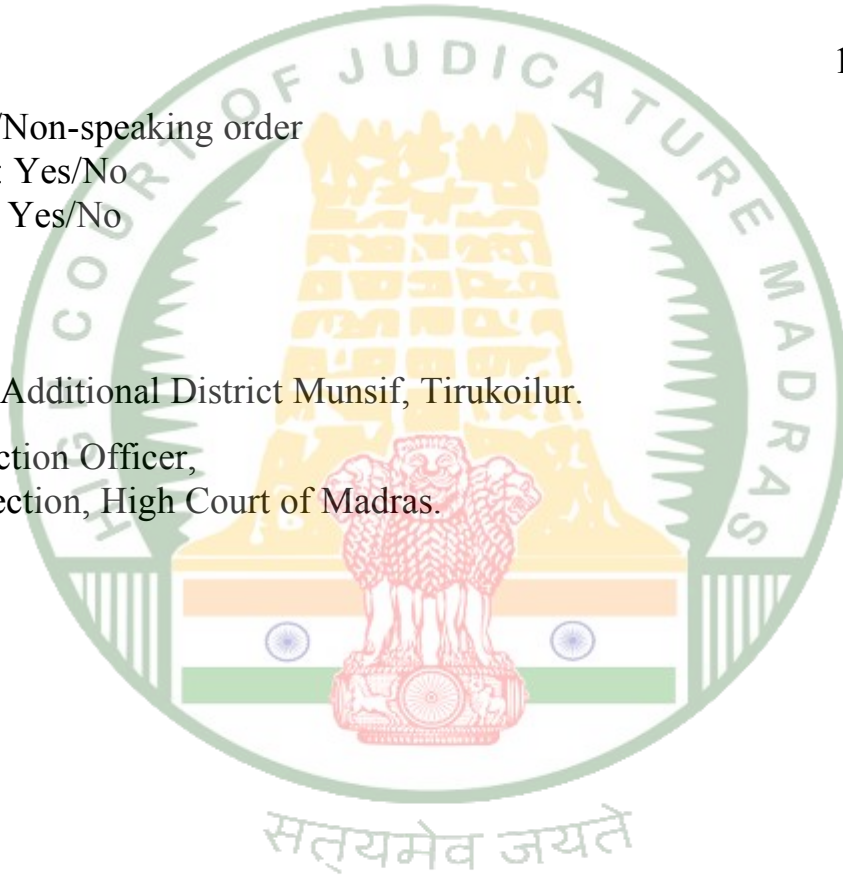
Internet : Yes/No

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To

1. The 1st Additional District Munsif, Tirukoilur.

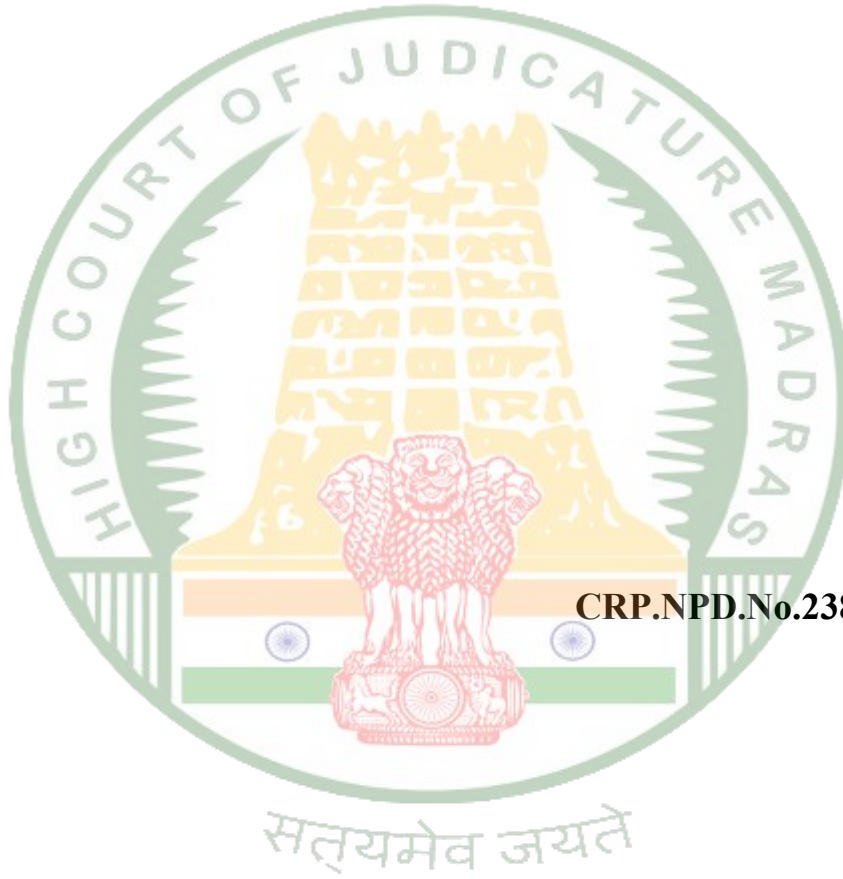
2. The Section Officer,
V.R.Section, High Court of Madras.



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G.K.ILANTHIRAIYAN,J.

Kv



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