

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.3659 of 2016
and C.M.P.No.18632 of 2016

1.U.Ayyanar
2.U.Raja

...Petitioners

Vs

1.Ramasamy
2.Elumalai
3.Murugan
4.Iyyappan
5.Murajee
6.Prabu
7.Prakash
8.Palani

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and order passed in I.A.No.592 of 2016 in O.S.No.281 of 2012 on the file of the Principal District Munsif, Villupuram dated 24.10.2016.

For Petitioners : Mr.N.Suresh

For Respondents : Mr.K.Azhagarasan

ORDER

The Civil Revision Petition has been filed to set aside the fair and order passed in I.A.No.592 of 2016 in O.S.No.281 of 2012 on the file of the Principal District Munsif, Villupuram, dated 24.10.2016, thereby dismissed the application filed by the petitioners for appointment of Advocate Commissioner.

2.The petitioners are the plaintiffs. They filed the suit for injunction. After a period of four years from the date of the suit, they filed a petition in I.A.No.592 of 2016 to appoint the Advocate Commissioner to note down the physical features of the suit property, right from the irrigation well and the embedded cement pipes laid underneath through the lands upto the suit property and note the cement thotti in the suit property as well as the channel through the suit land running north and east.

3.According to the petitioners it is running through the petitioners property in R.S.No.59.61. Admittedly, the suit is for injunction and the petitioner have to prove their possession and enjoyment of the suit property with available evidence. Therefore, appointment of Advocate Commissioner in a suit for bare injunction is nothing but collection of

evidence. Thereby, the trial Court has rightly dismissed the petition in I.A.No.592 of 2016 in O.S.No.281 of 2012 dated 24.10.2016 on the file of the Principal District Munsif, Villupuram, and this Court also finds no infirmity or irregularity in the order of the trial Court.

4.Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

22.01.2021

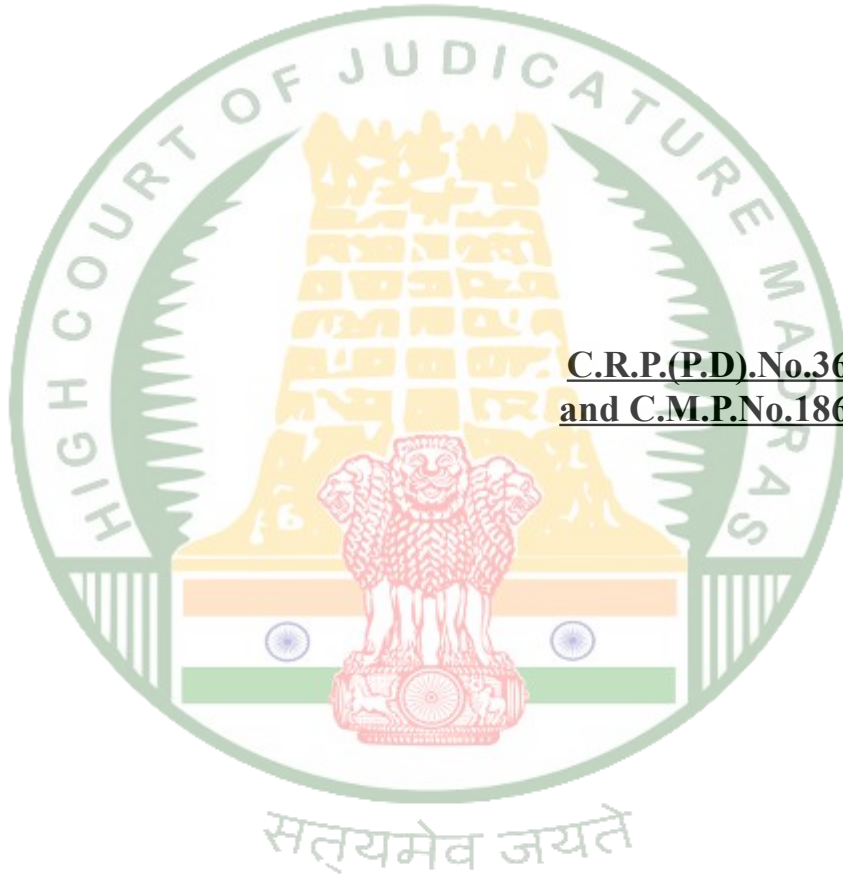
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To
The Principal District Munsif, Villupuram.

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