

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

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

C.R.P.(PD)No.2440 of 2018
and C.M.P.No.16235 of 2018

A.Parasuraman ... Petitioner

Vs.

1. R.Pitchandi
2. R.Tamilarasan ... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order passed on 06.06.2018 in I.A.No.924 of 2016 in O.S.No.190 of 2013 on the file of the learned Additional District Munsif, Vellore and allow the I.A.No.924 of 2016 as prayed for.

For Petitioner : Mr.R.Lakshminarayanan

For Respondents : Ms.D.Chitra Maragatham

ORDER

This Civil Revision Petition is directed as against the fair and decreetal order dated 06.06.2018 passed by the learned Additional District Munsif, Vellore, in I.A.No.924 of 2016 in O.S.No.190 of 2013, thereby

dismissing the petition for appointment of an Advocate Commissioner.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit in O.S.No.190 of 2013 for mandatory injunction, permanent injunction and also for declaration in respect of the suit property. While pending the suit, the petitioner filed petition in I.A.No.924 of 2016 for seeking appointment of an Advocate Commissioner to inspect the suit property with the help of the Surveyor and measure the same. The trial Court dismissed the said petition as against which, the present Civil Revision Petition.

3. It is seen from records the petitioner already filed petition for appointment of an Advocate Commissioner in I.A.No.934 of 2013 and the same was dismissed on 18.11.2013. As against the said order, the petitioner did not prefer any Civil Revision Petition. In fact, the petitioner filed another suit for permanent injunction and mandatory injunction in O.S.No.413 of 2004 and the same was dismissed by the judgment and decree dated 16.02.2009. Aggrieved by the same, the petitioner preferred an

appeal in A.S.No.42 of 2009 and the same was dismissed. In that appeal suit also, the petitioner had filed an application seeking appointment of an Advocate Commissioner and the same was also dismissed. Therefore, the petitioner repeatedly filed petition seeking appointment of an Advocate Commissioner to drag the proceedings and nothing else. That apart, appointment of an Advocate Commissioner is nothing but collection of evidence and therefore the trial Court rightly dismissed the petition. This Court finds no infirmity or illegality in the order passed by the Court below.

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

12.07.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

G.K.ILANTHIRAIYAN, J.

rts

To

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



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