

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

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

CRP.(PD).No. 4028 of 2016

and

C.M.P.No. 20320 of 2016

R.Sivasubramaniam

... Petitioner

Vs.

1.A.Gowkarjan
2.A.Noor Ahamed
3.Anwar Sadath

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the fair and final order passed in I.A.No.810 of 2016 in O.S.No.434 of 2011 on the file of the District Munsif Court, Pollachi, dated 16.08.2016.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : No Appearance

ORDER

This Civil Revision Petition is directed as against the order in I.A.No.810 of 2016 in O.S.No.434 of 2011 dated 16.08.2016 on the file of the District Munsif Court, Pollachi, thereby dismissing the petition filed by the petitioner for appointment of the Advocate Commissioner.

2. The petitioner is the plaintiff. He filed a suit in O.S.No.434 of 2011 for injunction in respect of the suit property as against the respondents herein. While pending the suit, the petitioner has also filed a petition in I.A.No.810 of 2016 for appointment of the Advocate Commissioner to inspect the suit property and to note down the physical features of the suit property.

3. Admittedly, the suit is for injunction, the petitioner has to prove the case by way of evidence. The appointment of the Advocate Commissioner is nothing but collection of evidence. Therefore, the Trial Court rightly dismissed the petition and this Court finds no irregularity or infirmity in the order passed by the Court below.

4. Accordingly, the Civil Revision Petition is dismissed. No Costs.

Consequently, the connected Civil Miscellaneous Petition is closed.

09.02.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

dm

To

The District Munsif Court,
Pollachi.



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G.K.ILANTHIRAIYAN,J.

dm



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