

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

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

CRP.PD.No.2782 of 2018

and

CMP.No.16306 of 2018

Chinnammal

..Petitioner

Vs.

1.Natesan

2.Prakash

3.Karthikeyan

4.Subramaniam

5.Senthilkumar

7.Arthanari @ Arthanarisamy

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 21.12.2017 passed in IA.No.852 of 2014 in OS.No.295 of 2012 on the file of the District Munsif Court, Tiruchengode by allowing this civil revision petition.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents

For R1 to 3 : Mr.P.Mani

For R4 to 6 : No appearance

ORDER

This Civil Revision Petition is filed against the fair and decretal order dated 21.12.2017 passed in IA.No.852 of 2014 in OS.No.295 of 2012 on the file of the District Munsif Court, Tiruchengode, thereby dismissing the petition seeking appointment of advocate commissioner.

2. The petitioner is the third defendant and the respondents 1 to 3 herein are plaintiffs. The respondents 1 to 3 filed suit for declaration and permanent injunction in respect of the suit property. While pending the suit, the petitioner filed petition to appoint advocate commissioner to inspect the suit property to note down the physical features of the same.

3. On perusal of the records, revealed that the respondents 1 to 3 herein filed their reply statement for the written statement filed by the petitioner herein. In the said reply statement, they denied the fact and physical features in the suit property. Therefore, the petitioner filed petition seeking appointment of advocate commissioner to verify whether any stone revetment plastered with cement and the level of the cart track including well comprised in survey No.6/2. It is

nothing but collection of evidence and as such the court below rightly dismissed the petition and this Court finds no infirmity or irregularity in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

29.06.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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G.K.ILANTHIRAIYAN,J.

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To

The District Munsif,
Tiruchengode



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