

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

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

CRP.PD.No.45 of 2017

and

CMP.No.282 of 2017

Mani

... Petitioner

Vs.

1. Balasubramanian

2. K.S.Subburaj

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the judgment and decree passed in I.A.No.217 of 2016 in O.S.No.106 of 2016 on the file of the learned District Munsif, Udumalpet dated 26.10.2016 by allowing the Civil Revision Petition.

For Petitioner

: Mr.N.Umapathi for

: Mr.M.R.Franklin

For Respondents

: Mr.R.Nalliyappan (for R1)

: Notice Served (for R2)

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.217 of 2016 in O.S.No.106 of 2016 dated 26.10.2016 on the file of the learned District Munsif, Udumalpet, thereby, dismissing the petition for appointment of Advocate Commissioner.

2. The petitioner is the plaintiff. The respondents are the defendants. While pending the suit, the petitioner filed a petition for appointment of an Advocate Commissioner to note down the physical features of the suit schedule properties.

3. On a perusal of the records, it shows that the petitioner was issued notice from the Public Works Department in respect of pipe laid by the petitioner. After notice, it was removed and as such, the petitioner filed a suit for injunction. At this juncture, the petitioner filed a petition for appointment of Advocate Commissioner to note down the physical features of the suit properties and it is nothing but collection of evidence and as such, the Court below rightly dismissed the petition. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed.

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

04.03.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

kv

To

The District Munsif, Udumalpet.



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G.K.ILANTHIRAIYAN,J.

Kv



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