



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

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

C.R.P.No.4346 of 2018

1. Ashokkumar (Died)
 2. A.Chitra
 3. A.Ramana Priya
 4. A.Raghav Subramaniam.
(Petitioners 2 to 4 brought on
record as LR's of the deceased sole
petitioner vide order dated 10.03.2021
made in CMP.No.3003 of 201
in CRP.No.4346 of 2018
- ... Petitioners

Vs.

Nirmala

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 09.01.2018 passed in I.A.No.19 of 2017 in B.L.R.C.O.P.No.02 of 2017 by the learned District Munsif at Dharmapuri.

For Petitioners: Mr.B.Gopalakrishnan

For Respondent : Mr.V.Sakkarapani

ORDER

This Civil Revision Petition is directed as against the fair and decreetal order dated 09.01.2018 passed by the learned District Munsif, Dharmapuri, in I.A.No.19 of 2017 in B.L.R.C.O.P.No.02 of 2017, thereby dismissing the petition seeking appointment of advocate commissioner.

2. The first petitioner is the tenant and the respondent is the landlady. The respondent filed eviction petition in B.L.R.C.O.P.No.02 of 2017, on the ground of willful default and also owner's occupation. While pending the eviction petition, the deceased petitioner filed petition in I.A.No.19 of 2017 seeking appointment of advocate commissioner to inspect the petition premises and to note down the physical feature of the petition premises. The trial Court dismissed the said petition as against which, the present Civil Revision Petition.



3. According to the petitioners, they running teacher training institute in which the respondent trespassed into the petition premises and demolished one side of the wall and fixed door. The respondent also had taken away the documents and certificates belonged to the students from the petition premises. Till filing of the petition, the petition premises is locked and the key is with the respondent herein. Therefore, to prove the same they filed the present petition for appointment of advocate commissioner.

4. On perusal of records revealed that, the petitioner did not even lodge any police complaint to prove the same. That apart, to prove the above happening, the petitioners ought to have been produced oral and documentary evidence. Therefore, the appointment of advocate commissioner is nothing but collection of evidence as such, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rts
To

The District Munsif,
Dharmapuri.

C.R.P.No.4346 of 2018

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srg 23/07/2021