

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

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

CRP (PD) No.3334 of 2018

and

CMP.No.18911 of 2018

B.Loganathan

... Petitioner

Vs.

1. S.Arunachalam

2. R.Babu

3. B.Dhanalakshmi

4. B.Rajendrakukmargv

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order and decretal order dated 24.08.2018 made in I.A.No.15601 of 2015 in O.S.No.1496 of 2011 on the file of the Court of the VI Additional City Civil Judge, Chennai, by allowing this Civil Revision Petition.

For Petitioner

: Mr.R.Agilesh

For Respondents

: Mr.Paranthaman (for R-1)

: Notice Served (No Appearance)
(for R-2 to R-4)

ORDER

This Civil Revision Petition is directed against the fair and decretal order passed in I.A.No.15601 of 2015 in O.S.No.1496 of 2011 dated 24.08.2018 on the file of the learned VI Additional City Civil Judge, Chennai, thereby dismissing the petition for appointment of Advocate Commissioner.

2. The petitioner is the fourth defendant in the suit filed by the first respondent for declaration and permanent injunction in respect of the suit property. The said petition was filed at the time of cross examination of P.W.1, that too after a period of four years from the date of filing the suit.

3. On a perusal of the affidavit filed in support of the appointment of Advocate Commissioner petition, it reveals that the petitioner is the absolute owner of the suit property ad-measuring 2930 sq.ft, No.7, School Street, Kodungaiyur Village, China Kodungaiyur, Chennai and he is in absolute possession and enjoyment of the suit property. But the first respondent herein filed a suit in respect of the property comprised in old No.6, School Street, Kodungaiyur Village, Chennai comprised in S.Nos.30/1 and 30/2 ad-measuring 1843 sq.ft. Therefore, the petitioner

sought for appointment of Advocate Commissioner to find out the possession of the said property. It is nothing but collection of evidence and as such, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the trial Court.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is dismissed. No costs.

21.06.2021

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Index : Yes/No
Internet : Yes/No
To

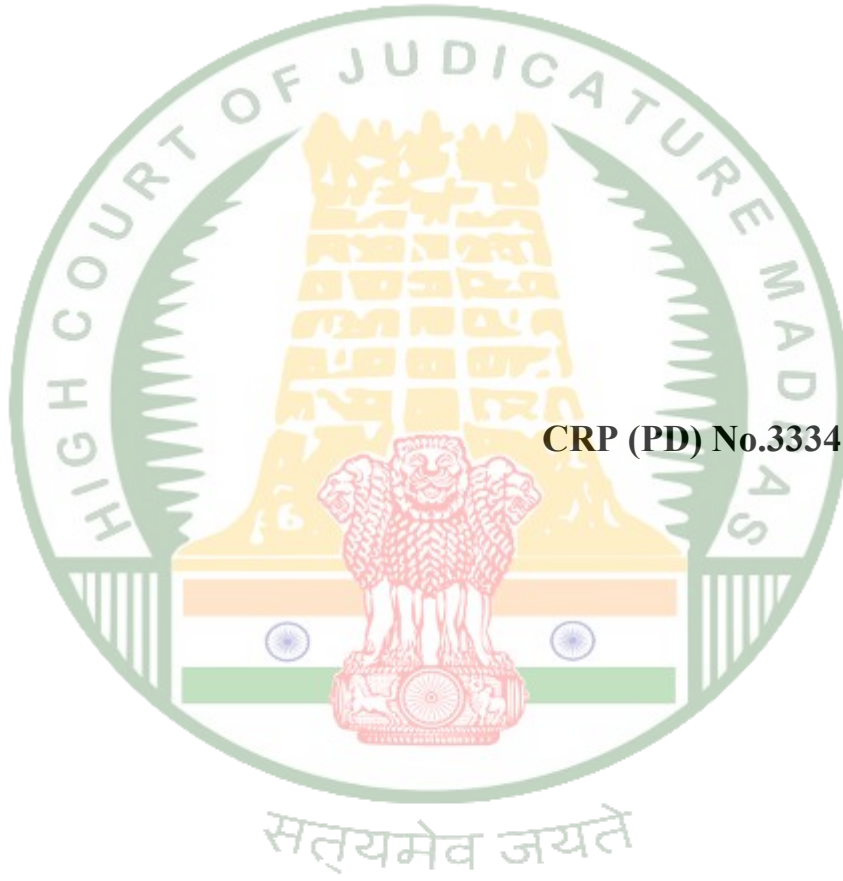
1. The VI Additional City Civil Judge, Chennai.

2. The Section Officer,
V.R. Section, High Court of Madras.

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G.K.ILANTHIRAIYAN,J.

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