

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P (PD).No.4011 of 2018

and

C.M.P.No.22205 of 2018

1. P.Vairamani

2. P.Gunasundari

... Petitioners

Vs.

M.Vijayalakshmi

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records of the order and decretal order dated 27.08.2018 made in I.A.No.4277 of 2018 in O.S.No.4668 of 2017 on the file of the XIV Assistant City Civil Court, Chennai and set aside the same.

For Petitioners : Mr.S.Thirumavalvan

For Respondent : Mr.A.Nagarathinam

ORDER

This Civil Revision Petition is filed as against the fair and decretal order passed in I.A.No.4277 of 2018 in O.S.No.4668 of 2017 dated 27.08.2018 on the file of the learned XIV Assistant City Civil Court, Chennai thereby dismissing the petition filed by the petitioner for appointment of the Advocate Commissioner.

2. The petitioners are the plaintiffs. They filed a suit in O.S.No.4668 of 2017 for permanent injunction in respect of the suit property as against the respondent herein. While pending the suit, the petitioner has also filed a petition in I.A.No. 4277 of 2018 for appointment of the Advocate Commissioner along with the Chartered Engineer/Surveyor to inspect the suit property and to note down the physical features of the suit property as well as its boundaries.

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.

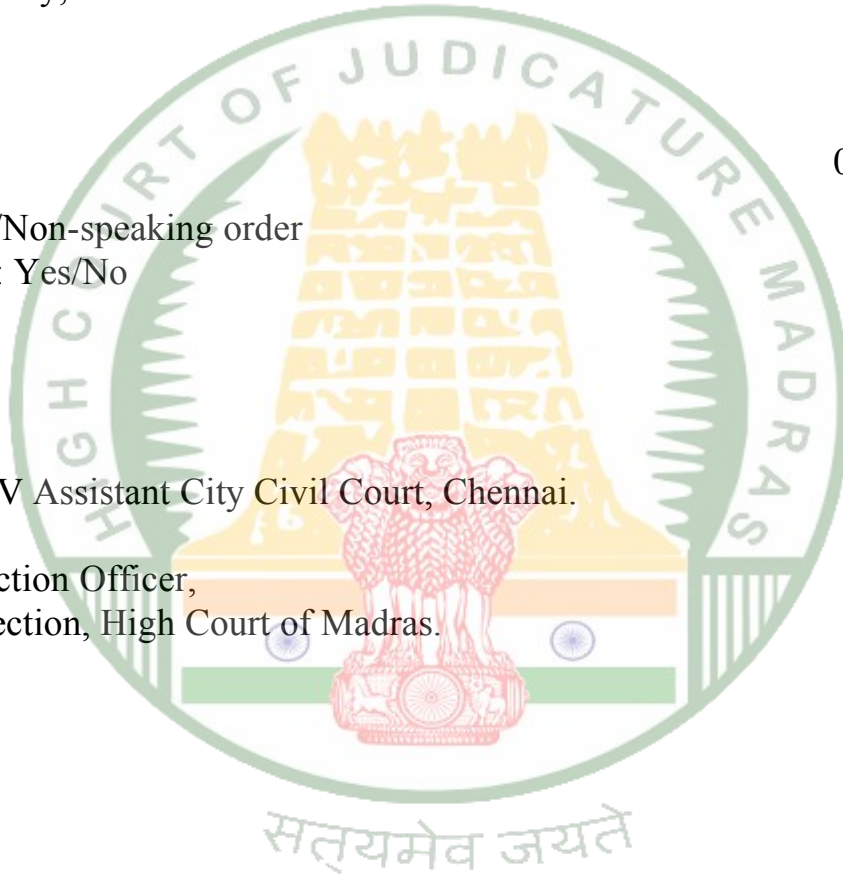
4. Accordingly, the Civil Revision Petition is dismissed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

09.07.2021

Speaking/Non-speaking order
Index : Yes/No
kv

To

1. The XIV Assistant City Civil Court, Chennai.
2. The Section Officer,
V.R. Section, High Court of Madras.



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G.K.ILANTHIRAIYAN,J.

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