



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.04.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P (MD) .No.692 of 2021

Renjith Samraj

: Petitioner

Vs.

1.Master Stalin
2.Johnson
3.John Pratheep
4.Johnjegan

: Respondents

PRAYER:- Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order passed by the learned Subordinate Court, Eraniel, in I.A.No.1 of 2020 in O.S.No.43 of 2020 dated 21.12.2020 and set aside the same.

For petitioner : Mr.Karthi
for Mr.K.P.Narayanakumar

ORDER

This revision is directed against the order passed in I.A.No.1 of 2020 in O.S.No.43 of 2020 dismissing the application filed under Order 26 Rule 9 for appointment of Commissioner by the Sub Court, Eraniel.

2.The revision petitioner has filed a suit in O.S.No.43 of 2020 claiming the following reliefs:

(A) A decree to realize declaration of "B" schedule Inventory List worth of Rs.18,00,000/- (Rupees Eighteen Lakhs only) and recover the damage of Rs.2,00,000/- (Rupees Two Lakhs only) from the defendants and their assets to damage caused the plaintiff by their illegal act of removing the damage of Asbestos Shed and other articles.

(B) That the plaintiff be given a decree for realizing the costs of this suit from the defendants.

3.After filing of the suit, the revision petitioner has filed



an application in I.A.No.1 of 2020 for appointment of Commissioner for taking inventory list available in the suit property, to note down the damages and the quantum of raw-materials available in the suit property and also to note down the superstructure available.

4. The respondents are disputing the possession of the petitioner in the suit property and according to the respondents, the petitioner has filed the suit with the sole intention of taking unlawful possession of the brick manufacturing unit, but the petitioner's case is that he is in possession of the suit property as a tenant and he is running the brick manufacturing unit. The revision petitioner, by seeking appointment of Commission, is attempting to gather evidence to show the alleged possession indirectly and that therefore, the same cannot be permitted. It is settled law that no commission can be appointed to note down the possession of the property. Hence, this Court is not inclined to admit the revision.

5. In the result, the Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

rmk/trp

To

The Sub Court, Eraniel.

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