



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) No.1229 of 2021

and C.M.P (MD) No.7028 of 2021

WEB COPY

S.Kollappa Pillai

...Petitioner/Appellant

-Vs-

E.P.John Pradhab @ Gold J.Pradhab

...Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order passed on 16.04.2021 made in I.A.No.2 of 2019 in A.S.19 of 2019 on the file of the Principal District Judge of Kanyakumari at Nagercoil.

For Petitioner : Mr.G.Dhanalakshmi

For Respondent : Mr.M.P.Senthil

O R D E R

This Civil Revision Petition has been filed to set aside the order passed on 16.04.2021 made in I.A.No.2 of 2019 in A.S.19 of 2019 on the file of the Principal District Judge of Kanyakumari at Nagercoil.

2.The learned counsel for the petitioner would submit that Interlocutory Application was filed for appointment of Commissioner under Order 26 Rules 9 and 10 and Section 107 C.P.C. The suit is filed for specific performance to execute a sale deed on the basis of the sale agreement and the suit was dismissed. The plaintiff preferred an appeal in A.S.No.19 of 2019. Even in the suit I.A.No.139 of 2014 was filed for appointment of Advocate Commissioner and it was dismissed on 12.09.2014 against the dismissal, no appeal has been filed by the plaintiff. The order was confirmed. The suit is only for specific performance and the Commissioner cannot decide anything and physical features are also not necessary to decide the issue in the suit for specific performance. Hence, the learned Principal District Judge, Kanyakumar at Nagercoil has correctly dismissed the petition and there is no sufficient reason to interfere with the abovesaid order. Hence, this revision is dismissed. No costs. Consequently,



connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

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/ /2021

Sub Assistant Registrar (CS)

CM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To,

The Principal District Judge of Kanyakumari at Nagercoil.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-28088[F] dated 03/09/2021)

+1 CC to M/s.G.DHANALAKSHMI, Advocate (SR-28384[F] dated 07/09/2021)

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SRR (CO)

SB(20.09.2021) 2P 4C