



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.917 of 2022

and

C.M.P.No.4657 of 2022

Munusamy

... Petitioner

Vs.

1. Karuppan

2. Amudha

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order of the I Additional District Munsif at Kallakurichi, dated 24.02.2020 in I.A.No.1196 of 2019 in O.S.No.180 of 2016.

For Petitioner : Mr.P.Valliappan
For M/s.P.V.Law Associates

For Respondent : Mr.N.Manokaran

ORDER

The Civil Revision Petition is filed challenging the order dismissing the petition filed by the revision petitioner seeking appointment of an Advocate Commissioner to inspect the suit property.



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2. The petitioner herein filed a suit for declaration to declare that the settlement deed executed by the first respondent in favour of second respondent dated 03.09.2012 is not valid and for an injunction restraining the respondents from alienating the suit property.

3. Pending suit, the petitioner herein filed an application seeking appointment of Advocate Commissioner to inspect the suit property.

4. In the affidavit filed in support of the petition, it is stated by the petitioner that when the first respondent was examined as DW1, he deposed that the suit property is a vacant site. However, there are superstructures in the suit property. It was also stated in the gift deed that Nalla Goundar's land was located in the southern boundary of the property. Hence, the petitioner wants appointment of an Advocate Commissioner to inspect the property.

5. The petitioner herein filed a suit challenging the settlement deed executed by the first respondent in favour of the second respondent. He also



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sought for an injunction restraining the respondent from alienating the suit property. In the plaint schedule, the petitioner has not described the existence of superstructure in the suit property. Having regard to the relief sought for in the present suit and in view of the settled law that the Advocate Commissioner cannot be appointed to ascertain the possession of the properties, I do not find any reason to interfere with the order passed by the trial Court.

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2022

Index : Yes / No
Internet : Yes / No
kmm

To
The I Additional District Munsif at Kallakurichi,



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S.SOUNTHAR, J.

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