



C.R.P.(PD) No.1517 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **07.06.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1517 of 2022

and

C.M.P.No.7696 of 2022

P.Senthil

... Petitioner

Vs.

Manimegalai

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal order dated 16.02.2022 made in I.A.No.07 of 2021 in O.S.No.03 of 2018 on the file of the Subordinate Judge, Jayankondam.

For Petitioners : Mr.M.Senthil Vadivu

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Subordinate Judge, Jayankondam, dated 16.02.2022 made in I.A.No.7 of 2021 in O.S.No.3 of 2018. The suit was filed for the relief of specific performance. An interlocutory application was filed for appointment



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of Advocate Commissioner to visit the suit property and file a report about the existence of any building in the suit property. A suit for specific performance, is based on the sale agreement entered into between the parties and the suit property can be the property detailed in the schedule of the sale agreement.

2. The learned Trial Judge has rightly observed that the sale agreement, contains only a vacant site and so no clarification is needed with regard to the existence of any building in the suit property and hence dismissed the petition for appointment of the Advocate Commissioner.

3. The matter in issue does not require the appointment of Commissioner or his report about the physical feature of the property or any other related facts.

4. In such a context, I find no error in the finding of the learned trial Judge in dismissing the application for appointment of the Advocate Commissioner. Hence, I do not find any reason for interference.



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5. Hence, the Civil Revision Petition is dismissed and the Fair and Decretal order dated 16.02.2022 made in I.A.No.07 of 2021 in O.S.No.03 of 2018 on the file of learned the Subordinate Judge, Jayankondam, is hereby confirmed. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

07.06.2022

Index : Yes/No
Speaking Order : Yes / No
ssn

To

1. The Subordinate Judge,
Jayankondam,
Ariyalur.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.

R.N.MANJULA, J.,



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