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A.No.2924 of 2022
in C.S.No.63 of 2022
C.V.KARTHIKEYAN,J.

This application has been filed by the defendant seeking appointment of an advocate commissioner.

2.It is obvious that the application has been filed only to avoid the trial process. Among the various reasons, it is stated that the identity of the suit property should be determined. That is a burden cast on the parties to the suit.

3.An advocate commissioner cannot be appointed to gather evidence for either the plaintiff or the defendant. The advocate commissioner is an arm of the Court and is appointed when the Court has any doubt or requires physical feature to be noted down and informed to the Court.

4.It would only be appropriate that parties lead evidence and during the course of evidence, if there is ambiguity in the description of



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the property, then after recording of evidence, the parties can urge that in this particular suit, an advocate commissioner is required to clear such ambiguity. At this stage, even before recording of evidence, I do not find any reason for appointing of any advocate commissioner. Accordingly, the application stands dismissed.

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09.09.2022

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