



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2803 of 2022

Rathinambal(Died)

1.Chandrasekar

2.Baskaran

3.Muthu @ Jagadeesan

4.Saraswathy

5. Punniyakodi @ Poongodi

... Petitioners

Vs

1. G.Manjula Devi

2.Manavalan

3.Senthil

...Respondents

Prayer:- This Civil Revision Petition is filed under Section 115 of the Civil Procedure Code to set aside the order dated 13.06.2022 passed on the file of Principal Subordinate Judge, Puducherry and allowing the I.A.No.194 of 2022 in I.A.No.683 of 2017 in O.S.No.84 of 2017.

For Petitioners : Mr.V.P.Chamuraj

For Respondents : Mr. P.Suresh for Caveator



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ORDER

This Civil Revision Petition is filed challenging the order passed by the court below dismissing the petition filed by the revision petitioner seeking appointment of Advocate Commissioner to ascertain and report the correct market value of the suit property on the date of filing of the suit.

2. Heard both sides.

3. The petition in IA.No.194 of 2022 was filed by the revision petitioner seeking appointment of Advocate Commissioner to find out the correct market value of the suit property cannot be entertained in view of the fact that the petitioner failed to produce any evidence to show that the market value of the suit property is much more than what is mentioned in the plaint. The market value has to be proved by the revision petitioners by adducing oral and documentary evidence and the same can be done only at the time of final disposal of the suit. It is not open to the revision petitioners to seek appointment of Advocate Commissioner to ascertain the market value. It would amount to seeking appointment of Advocate



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Commissioner to collect evidence. It is settled law that the Advocate Commissioner cannot be appointed to collect evidence. Therefore, the court below is correct in dismissing the petition filed by the revision petitioner seeking appointment of Advocate Commissioner to assess the market value. However, notwithstanding the dismissal of this petition, it is always open to the revision petitioners to adduce oral and documentary evidence with regard to the market value of the suit property at the time of final disposal of the suit.

4. In the result, this Civil Revision Petition is dismissed.

20.10.2022
(2/2)

Index: Yes/No
Web: Yes/No
Speaking/Non Speaking
gv

To

The Principal Subordinate Judge,

Puducherry



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S.SOUNTHAR.,J.

gv

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