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C.R.P.No.2831 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 26.09.2022**

**CORAM:**

**THE HONOURABLE Mr. JUSTICE S.SOUNTHAR**

C.R.P.No.2831 of 2022  
and C.M.P.No.15316 of 2022

Nagarajan

.. Petitioner

Vs.

Palanisamy

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the Fair and Final orders dated 06.08.2022 passed in I.A.No.4 of 2022 in O.S.No.18 of 2016 on the file of the District Munsif Court at Paramathi and allow the above C.R.P.

For Petitioner : Mr.T.Mohanraju

For Respondent : No appearance

**ORDER**

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking appointment of an Advocate Commissioner to note down the physical features of the suit property.



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2. The respondent herein filed a suit for partition. The trial in the suit had commenced and the evidence of the plaintiff side was over. Thereafter, the matter was posted for evidence of defendants and after taking number of adjournments, the revision petitioner filed series of Interlocutory Applications and all those applications were disposed of. Thereafter, the evidence on the side of defendants was closed. At that stage, the application in I.A.No.4 of 2022 was filed by the revision petitioner to note down the physical features of the suit property.

3. According to the learned counsel for the petitioner, the revision petitioner has put up a building in the suit property and to prove the same, the appointment of an Advocate Commissioner was sought for . The suit is for partition. If one of the co-owner made any improvement in the suit property, it is open to him to work out equities in final decree proceedings. Therefore, at this stage the appointment of an Advocate Commissioner is not at all necessary. Further, taking into consideration the conduct of the revision petitioner in dragging the suit by filing various applications, after the matter was adjourned for the evidence on his side, this Court is not inclined to interfere with the order passed by the Court below.



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4. In view of the above, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**26.09.2022**

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Index: Yes/ No

Internet: Yes/No

Speaking Order / Non-Speaking Order

To

The District Munsif Court, Paramathi.



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**S.SOUNTHAR, J.**

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