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CRP.No.3251 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3251 of 2022

Thavasiyappan

... Petitioner

Vs.

Malaisamy

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.3 of 2019 in O.S.No.500 of 2019, dated 12.08.2022 on the file of the learned District Munsif, Anthiyur.

For Petitioner : Mr.V.Vijayakumar



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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 note down the physical features of the suit property.

2. The petitioner herein filed a suit for declaration that the two documents executed by his mother in favour of his brother is not valid and also for the relief of partition. Pending suit, the revision petitioner filed the instant application seeking appointment of Advocate Commissioner to note down the physical features of the suit property.

3. The learned counsel for the petitioner submitted that, subsequent to the death of mother of the parties, there was an oral partition. As per the oral partition, the western 1/21 share was allotted to the petitioner and the eastern 1/2 share was allotted to the respondent.



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4. The learned counsel for the petitioner also had taken me to averments found in the para No.6 of the plaint in this regard. The perusal of the averments found in the plaint suggest that the petitioner herein is enjoying western $\frac{1}{2}$ share of the suit property and the respondent herein is enjoying the eastern $\frac{1}{2}$ share of the suit property.

5. Having regard to the prayer sought for in this suit, namely, the declaration that the documents executed by the mother of the parties are null and void and also for partition, the appointment of Advocate Commissioner to note down the physical features, is not at all necessary. Therefore, I do not find any reason to interfere with the order passed by the Court below

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

12.10.2022

Index : Yes / No
Internet : Yes / No
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S.SOUNTHAR, J.

dna

To

The District Munsif, Anthiyur.

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