



WEB COPY



C.R.P.(PD)No.3187 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.(PD)No.3187 of 2022

and

C.M.P.No.16973 of 2022

1.P.Vijayarajan
2.P.Yogaraj
3.P.Bhuvaneaswaran

... Petitioners

Vs.

1.P.Ravichandran
2.P.Muthu
3.P.Chandran

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 26.10.2018 passed in I.A.No.1157 of 2018 in O.S.No.186 of 2017 on the file of the District Munsif Court, Attur.

For Petitioners : Ms.V.Janaranjani

ORDER

The Civil Revision Petition is filed by the petitioners/plaintiffs challenging an order dismissing the petition seeking appointment of Advocate Commissioner to conduct local inspection, note down physical



C.R.P.(PD)No.3187 of 2022

features and measure the suit property in a Suit for mandatory injunction and permanent injunction.

2.The revision petitioners filed an application in I.A.No.1157 of 2015 seeking appointment of Advocate Commissioner to visit the Suit property, note down the physical features and also to measure the Suit property. The said application was dismissed by the Court below on the ground that the revision petitioners have not stated the sufficient reason for appointment of Advocate Commissioner. Aggrieved by the said order, the petitioners have come up with this revision petition.

3.Learned counsel for the petitioners submitted that the respondents herein committed a trespass and put up construction in the Suit property and hence the petitioners sought for appointment of Advocate Commissioner.

4.The reading of the plaint and the written statement would show that both the parties asserted their title to the suit property. In fact the respondents/defendants in the written statement specifically asserted that they are in possession and enjoyment of the property belonging to them. Therefore, the real dispute is with regard to the title of the Suit property and



C.R.P.(PD)No.3187 of 2022

both the parties are required to produce the title deed and prove their case in the Suit. In the absence of any dispute with regard to the identity of the Suit property, the appointment of Advocate Commissioner is not at all necessary. In the affidavit filed in support of the petition seeking appointment of Advocate Commissioner, the revision petitioners have not made out any case warranting appointment of Advocate Commissioner. The Court below has rightly rejected the petition. This Court finds no merit in this Civil Revision Petition.

5.Hence, the Civil Revision Petition stands dismissed. Consequently, the connected Civil Miscellaneous Petition is also dismissed. No costs.

10.10.2022

rpl

Index : Yes/No
Internet : Yes / No
Speaking /Non Speaking

S.SOUNTHAR, J.,

rpl

3/4



C.R.P.(PD)No.3187 of 2022

To

WEB COPY The District Munsif Court, Attur.

C.R.P(PD)No.3187 of 2022

10.10.2022