



CRP No.117 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.117 of 2019
and CMP.No.1031 of 2019

Jayanthi

..Petitioner

Vs.

1.Chellappan (Deceased)

2.C.Yashoda

3.C.Janakiraman

4.S.Jamuna

5.C.Gopi

[R2 to 5 impleaded vide order dated
14.12.2022 made in C.M.P.No.4179
of 2022.]

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 20.06.2018 passed in I.A.No.66 of 2017 in A.S.No.30 of 2014 on the file of the Subordinate Judge, Tambaram and allow the said I.A by allowing the civil revision petition.

For Petitioner : Mr.M.Rajan
for Mr.Thiyagarajan.T

For Respondents : No appearance



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ORDER

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The civil revision petition has been filed as against the order dated 20.06.2018 passed in I.A.No.66 of 2017 in A.S.No.30 of 2014 on the file of the Subordinate Judge, Tambaram, thereby dismissing the application filed for appointment of an Advocate Commissioner.

2. The petitioner is the plaintiff and she filed a suit for permanent and mandatory injunction as against the deceased respondent and the said suit was dismissed. Aggrieved by the same, the petitioner preferred an appeal suit. In fact, the petitioner filed an application for appointment of an Advocate Commissioner even before the trial Court and the same was allowed. After filing of the Advocate Commissioner's report, there was no objection on both sides. Again, the petitioner filed an application for appointment of Advocate Commissioner and the same was dismissed on 19.07.2012 on the ground that already the Advocate Commissioner was appointed and he has noted down the physical features along with the plan. It was accepted and no objection was filed by both the parties. Therefore, the Court below rightly dismissed the petition seeking appointment of Advocate Commissioner and this Court finds no infirmity or illegality in the orders passed by the Court below.



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3. Accordingly, the civil revision petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

14.12.2022

(2/2)

Speaking/Non-speaking order

Index : Yes/No

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To

The Subordinate Judge,
Tambaram.



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G.K.ILANTHIRAIYAN.J,

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