



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.692 of 2022 and

CMP(MD).No.2879 of 2022

Parthiban

: Petitioner /Plaintiff

Vs.

S. Kumaresan

: Respondent / Defendant

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to against the order in I.A.No.2 of 2021 in O.S.No.198 of 2011 on the file of the Sub Court, Theni, dated 10.01.2022.

For petitioner : Mr. S. Ramesh

ORDER

The Revision Petitioner / plaintiff has filed this revision to set aside the order, dated 10.01.2022 passed in I.A.No.2 of 2021 in O.S.No.198 of 2011, on the file of the Sub Court, Theni.

2. Heard the learned counsel appearing for the petitioner. Since no adverse order passed against the respondent, notice to the respondent is not necessary.

3. The revision petitioner / plaintiff has filed the said I.A.No.2 of 2021 to appoint an Advocate Commissioner to assess the rent paid for the property. Already, in the suit Exs.A1 to A9 documents were marked and both side evidences were closed and posted for arguments. The Commissioner cannot be appointed for collecting evidence. The plaintiff has to prove his case on his own documents. However, the revision petitioner may examine the adjacent tenants or with the help of the Engineer assess the value. The Commissioner cannot be appointed for the said properties. So, the trial Court has rightly dismissed the Interlocutory application. Hence, this Court is not inclined to interfere with the order passed by the Court below.

4. Accordingly, the Civil Revision Petition is dismissed by confirming the order, dated 10.01.2022 passed in I.A.No.2 of 2021 in O.S.No.198 of 2011 on the file of the Sub Court, Theni. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)



To

The Sub Court, Theni.

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