



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(PD) (MD) .No. 1099 of 2021
and CMP(MD)No.6422 of 2021

R.Lingasekar

... Petitioner/Petitioner/Plaintiff

Vs

1. T.Rajeswari

2. The Sub Registrar

K.Sathanur Sub-Registration Office,
Trichy

... Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 12.03.2021 in I.A.No.5 of 2020 in O.S.No.60 of 2019, pending on the file of the learned 1st Additional District & Sessions Judge (PCR), Trichy.

For Petitioner : Ms.K.R.Shivashankari

For Respondent : Mr.C.Vakeeswaran(R1)

For Respondents : Mr.A.Kannan

Additional Government Pleader (R2)

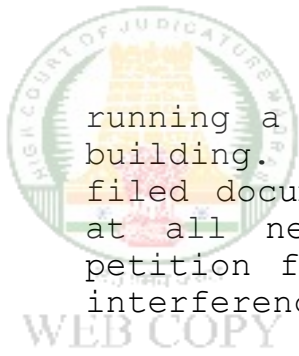
ORDER

This Civil Revision Petition has been filed by the revision petitioner to set aside the order dated 12.03.2021 in I.A.No.5 of 2020 in O.S.No.60 of 2019, pending on the file of the learned 1st Additional District & Sessions Judge (PCR), Trichy.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.The revision petitioner is the plaintiff in O.S.No.60 of 2019 and filed the suit for the relief of specific performance, directing the first respondent/defendant to execute sale deed, on the basis of the sale agreement executed by the defendant. I.A.No.5 of 2020 was filed by the revision petitioner under Order 26 Rule 9 of C.P.C., to appoint an Advocate Commissioner to inspect the suit property and note down its physical features.

4.In the suit for Specific Performance, the trial Court has to decide whether the defendant is liable to execute the sale deed or not and there is no need to appoint an Advocate Commissioner to inspect the suit property. The plaintiff wants to prove that he was



running a Company in the suit property and also constructed some building. To prove the said fact, the petitioner can very well filed documents and appointment of an Advocate Commissioner is not at all necessary. The trial Court has rightly dismissed the petition filed by the revision petitioner and this Court finds no interference with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To

The 1st Additional District & Sessions Judge (PCR), Trichy

+1 CC to M/s.C. VAKEESWARAN, Advocate (SR-19477[F] dated 19/04/2022

C.R.P(PD) (MD) .No. 1099 of 2021
and CMP(MD) No.6422 of 2021
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SG(CO)

KB(28.04.2022) 2P 3C