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C.R.P.No.1632 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

CORAM

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

C.R.P.No.1632 of 2015
and M.P.No.1 of 2015

1. Saraswathi (Died)
2. Chenniyappan
3. Sakunthala

(Petitioners 2 and 3 brought on
record as LRs of the deceased
P-1 viz Sarawathi vide Court order
dated 21.02.2022 made in
CMP.Nos.20186 and 20189 of 2018
in C.R.P.(PD).No.1632 of 2015)

.. Petitioners

Vs.

1. Muthusamy
2. Karupppannan
3. Mahalingam
4. Sengodan
5. Marayee
6. S.Sankar
7. S.Julie
8. Mani
9. Sampooram

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decretal order of the Additional District Munsif Court at Tiruchengode, Dated 03.11.2014 in I.A.No.748 of 2014 in O.S.No.282 of 2012 and pass such further or other orders as deemed fit and proper in the circumstances of the case.



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For Petitioners	: Mr.Deeraj for Mr.P.Valliyappan
For R1 to R3, R6 to R9	: No appearance Notice served
For R4 and R5	: Mr.P.Rajavel

ORDER

This Civil Revision Petition has been filed as against the Fair and Decretal order of the Additional District Munsif Court at Tiruchengode, Dated 03.11.2014 in I.A.No.748 of 2014 in O.S.No.282 of 2012, thereby dismissing the petition seeking appointment of an Advocate Commissioner.

2. The petitioner since deceased is the plaintiff in the suit filed by her for partition as against the respondents herein. Pending suit, the petitioner since deceased filed an application seeking appointment of an Advocate Commissioner to inspect the suit property and also to note down the physical features.

3. It is seen from the records that the petitioner since deceased also claimed title over the suit property. The suit property is a fish pond and as such she sought for appointment of an Advocate Commissioner to inspect the suit property and to note down the physical features.

4. The respondents never denied the existence of the fish pond. Insofar



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as the ownership is concerned, the petitioner has to prove the same in the manner known to law by letting in evidence. The appointment of an Advocate Commissioner would not serve any purpose.

5. Therefore, the Trial Court had rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below and this revision is liable to be dismissed.

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

27.01.2023

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

mn

G.K.ILANTHIRAIYAN,J.



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To

The Additional District Munsif Court, Tiruchengode.

C.R.P.No.1632 of 2015
and M.P.No.1 of 2015

27.01.2023