



A.No.1065 of 2023
in C.S.No.84 of 2022

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R.N.MANJULA, J.

This application has been filed to appoint an Advocate Commissioner to record the evidence of the applicant / plaintiff.

2. The suit has been filed for partition and separate possession of the alleged 3/8 share of the plaintiff in the suit schedule properties.

3. The learned counsel for the applicant / plaintiff submitted that the applicant has been diagnosed with Kidney failure and he is undergoing dialysis every alternate day; since his immune level is very low, he is confined at his home and unable to expose in crowded places; hence he has filed this application to appoint a Commissioner to record evidence on his behalf.

4. The learned counsel for the first respondent submitted that no document has been filed to substantiate that the applicant is having Kidney failure; the applicant was seen to be moving freely in the family



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functions and ceremonies; the applicant has filed this application just to avoid proper examination; hence the application should be dismissed.

5. The applicant has filed this petition on the ground that he is undergoing dialysis on every alternate day and his exposure to crowd makes him vulnerable to get infectious diseases. Though it would have been appropriate if the applicant would produce certain medical documents, I find that there is no necessity on the part of the applicant to plead any false statement about his health condition. Since the time taken for examining the witnesses will be long and the Court is a crowded place, it will be risky for the applicant if he makes his appearance in-person before the Court.

6. Taking into consideration of the special circumstances and the reasons stated by the applicant, I feel that the application should be allowed by allowing the applicant to get himself examined through the Commissioner appointed by this Court.



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7. Hence, **Mrs.P.Mariyammal, Advocate, (Enroll No.731/2002),**

having office at 1st floor, Addl. Law Chamber Building, High Court, Chennai – 600 104 (Ph.No.9444295184) is appointed as Advocate Commissioner to record the evidence of the applicant / plaintiff.

The remuneration of the Advocate Commissioner is fixed at Rs.25,000/- (Rupees Twenty Five Thousand only), which shall be borne by the applicant / plaintiff irrespective of result of the case.

21.07.2023

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