



CRP. No. 3769 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10. 2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 3769 of 2023
& CMP No. 23452 of 2023

1.Palani
2.Bhuvaneswari

...Petitioner

Vs.

Rosali Fathima

...respondents.

PRAYER : This petition filed under Article 227 of Constitution of India, to set aside impugned fair and decreetal orders dated 19.07.2023 passed in I.A No. 368 of 2023 in O.S No. 1114 of 2014 on the file of the Learned I Additional District Munsif, Puducherry.

For Petitioner : Mr.S.Subramanian

For Respondent : Mr. K.Sasindran

ORDER



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This petition has been filed to set aside impugned fair and decreetal orders dated 19.07.2023 passed in I.A No. 368 of 2023 in O.S No. 1114 of 2014 on the file of the Learned I Additional District Munsif, Puducherry.

2. The petitioners herein filed I.A No. 368 of 2023 in O.S No. 1114 of 2014, before the Trial Court to appoint the Advocate Commissioner (in assistance of a competent Official surveyor) to visit, note, sketh on all identifications and on physical features of suit property as per plaint schedule and IA as per all documents of title and possession and revenue records as also by taking photographs of property and file report. After considering the submissions of the petitioner, the Trial Court dismissed the said application. Challenging the same the petitioners filed this petition.

3. The learned counsel for the petitioners submit that nature of the property is not properly identified hence the necessity arose to appoint the advocate commissioner but the Trial Court failed to appreciate the same dismissed the application. Hence, he prays to allow this petition.

4. The learned counsel for the respondent submits that the petitioners



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filed the said application in order to collect the evidence. Moreover, the petitioner himself admits that it is vacant property and the same was rightly appreciated by the Trial Court which needs no interference. Hence, he prays to dismiss this petition.

4. On perusal of the records, it reveals that the D.W.1 himself admits that the suit property is vacant side and it is surrounded with the wall hence there is no necessity appoint the Advocate commissioner to note down the physical feature of the suit property and the same was rightly appreciated by the Trial Court which needs no interference.

5. In the result, this civil revision petition is dismissed. No Cost. Consequentially, connected miscellaneous petition is closed.

20.10.2023

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T.V.THAMILSELVI,J.

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To

1. The Additional District Munsif, Puducherry.

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