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CRP.No.2736 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.2736 of 2019

and

CMP.No.17982 of 2019

1.Rajammal
2.Kubendran

... petitioners

Vs.

Venkatachalam

... Respondent

PRAYER:

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 17.06.2017 made in IA.No.125 of 2017 in OS.No.176 of 2010 on the file of District Munif at Attur.

For Petitioners : Mr.Rajendran L.

For Respondent : Mr.P.Jagadeesan

ORDER

This civil revision petition has been filed to set aside the fair and decretal order dated 17.06.2017 made in IA.No.125 of 2017 in OS.No.176 of 2010 on the file of District Munif at Attur, thereby dismissed the application filed for seeking appointment of advocate commissioner.



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2. The petitioners are the plaintiffs and the respondent is the defendant.

The petitioners filed suit for bare injunction in respect of the suit property. While pending the suit, the petitioners filed application seeking appointment of advocate commissioner to inspect the suit property and to note down the physical features of the same. In the suit for bare injunction, appointment of advocate commissioner cannot be possible since it would amount to collection of evidence. That apart, there is absolutely no circumstances arose to appoint an advocate commissioner in order to inspect and note down the physical features of the suit property. Therefore, the court below rightly dismissed the application and this Court finds no infirmity or illegality in the order passed by the court below.

3. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Speaking/non-speaking

Index : Yes/No

Internet : Yes

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To
The District Munif at Attur.

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