



C.R.P(MD).No.879 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.879 of 2023

and

CMP(MD)No.4021 of 2023

Sarojini

... Petitioner/Petitioner/Appellant

Vs.

S.L.Bright @ Lazarus Bright

... Respondent/Respondent/Respondent

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set-aside the order dated 12.01.2023 made in IA. 1 of 2022 in AS.No.16 of 2022 on the file of the Principal District Judge, Tirunelveli and allow the Civil Revision Petition.

For petitioner : Mr.K.Vadivelu

ORDER

This petition has been filed to set-aside the order dated 12.01.2023 made in IA.1 of 2022 in AS.No.16 of 2022 on the file of the Principal District Judge, Tirunelveli.



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2.The petitioner is the unsuccessful plaintiff in O.S.No.17 of 2013 before the Sub Court, Valliyur. The suit was filed by the petitioner against the respondent/defendant for a declaration and permanent injunction. The suit filed by the petitioner was dismissed by the said Court by its judgment and decree dated 26.02.2022. Aggrieved by the same, the petitioner has filed the First Appeal in A.S.No.16 of 2022 before the Principal District Judge, Tirunelveli. In the aforesaid appeal, the petitioner has filed I.A.No.1 of 2022 under Order 26 Rule 9 & 10 of CPC for appointing an Advocate Commissioner. It is submitted that the Appellate Court has dismissed the said interlocutory application by its order dated 12.01.2023. Aggrieved by the same, the petitioner has filed the present Civil Revision Petition.

3.On query as to what purpose the petitioner wants to have appointment of an Advocate Commissioner, it was informed by the learned counsel for the petitioner that the subject property was purchased by the petitioner through the power of attorney and that the petitioner is in possession of the property. For which, the petitioner has revenue records to substantiate the same.

4.Thus, it is clear that the attempt of the petitioner to appoint an Advocate Commissioner is only to collect the evidence as to alleged possession of the property.



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5.In my view, the order passed in IA.1 of 2022 in AS.No.16 of 2022 on the file of the Principal District Judge, Tirunelveli, dated 12.01.2023 does not warrant any interference by this Court.

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

31.03.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

To

- 1.The Principal District Judge,
Tirunelveli.
- 2.The Record Keeper,
V.R Section,
Madurai Bench of Madras High Court, Madurai.



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C.SARAVANAN,J.

dss

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