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C.R.P.No.2568 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.2568 of 2024
and C.M.P.No.13461 of 2024

1.Seethapathy
2.S.Sathana

... Petitioners

-Vs-

1.Mallika
2.Gandhimathi
3.Balasubramani
4.Premalakshmi
5.Santhanalakshmi

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 10.01.2024 passed in IA No.341 of 2023 in OS No.108 of 2013 on the file of the Additional District Munsif Court, Tindivanam, Villupuram District and allow the same.

For Petitioner : Mr.V.Regunathan

ORDER

The plaintiffs are the civil revision petitioners. The suit is one for declaration of title and for the relief of permanent injunction.

2. It is the case of the first plaintiff that he claims through one Boopathy Ammal and the first defendant is the son of one Chokkalingam. The first plaintiff



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pleads that the defendants are utter strangers to the property and he is in possession and enjoyment of the property. The matter has gone for trial and both the parties have let in their evidence.

3. After a decade when the suit was pending, an application was taken out for appointment of advocate commissioner. The purpose for which an advocate commissioner has to be appointed is to survey the property and to tally with the revenue records. Indirectly, the petitioners had attempted to prove possession over the property. An advocate commissioner cannot be appointed for the purpose of proving as to who is in possession of the property. Having come forward with the suit, it is the duty of the plaintiffs to substantiate their claim by evidence. They cannot rely upon the advocate commissioner's report to buttress the evidence that has already been presented.

4. The learned Additional District Munsif, Tindivanam has given a clear explanation in Para 6 of the order, which is not contrary to law or in any manner perverse requiring interference by the order of this Court. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

The Additional District Munsif (Civil Judge)
Junior Division, Tindivanam.



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V. LAKSHMINARAYANAN, J.

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