

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3455 of 2015

and

M.P.No.1 of 2015

1.M.C.Mohan

2.M.Savithri

3.M.Kuppusamy Petitioners/Respondents/Defendants

Vs.

V.Arumugam Respondent/Petitioner/Plaintiff

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair order and decree dated 25.01.2012 made in I.A.No.1252 of 2011 in O.S.No.119 of 2008 on the file of the District Munsif Court, Palacode.

For Petitioners : Mr.V.R.Annagandhi

O R D E R

The revision petitioners are the defendants in O.S.No.119 of 2008 on the file of the District Munsif Court, Palacode, Dharmapuri District. The respondent herein is the plaintiff.

2. The plaintiff filed the suit in O.S.No.119 of 2008 to declare that he is the owner of the 'B' schedule property and also for recovery of possession.

3. The respondent/plaintiff also pleaded that there was encroachment made by the revision petitioners in the 'B' schedule property. The 'B' schedule property is nothing but 32 cents in Survey No.260/1 in Paisuhalli Village in Palacode in Dharmapuri District.

4. According to the plaintiff, the revision petitioners/defendants had encroached an extent of 24 cents. Hence, the respondent/plaintiff filed an application in I.A.No.1252 of 2011 seeking for appointment of an Advocate Commissioner to measure the 'B' schedule property and also to note down the physical features and to mark the boundaries with the help of the Surveyor and the VAO. The Trial Court allowed the aforesaid application in I.A.No.1252 of 2011 and hence, the present Civil Revision Petition has been preferred.

5. Heard the learned counsel appearing for the revision petitioner.

6. I have considered the submissions made by the learned counsel for the revision petitioner. The Trial Court after noting the aforesaid facts thought it fit to appoint an Advocate Commissioner and allowed the application preferred by the respondent/plaintiff. Hence, I am of the view that there is no infirmity in the order dated 25.01.2012 made in I.A.No.1262 of 2011 in O.S.No.119 of 2008.

7. Thus, the Civil Revision Petition fails and the same is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The District Munsif Court,
Palacode.

+1cc to Mr.V.R.Annagandhi, Advocate, S.R.No.48427

C.R.P.No.3455 of 2015

VGI (CO)
CA(29/09/2015)