

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

CORAM

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM**

**C.R.P (PD).No.546 of 2015**

**and**

**M.P.No.1 of 2015**

C.Chitra  
... Petitioner  
Vs.

1.R.Chennimalai Gounder  
2.K.P.Selvan  
3.P.Poovathal  
4.A.L.Marathambigai ... Respondents

**Prayer:** This civil revision petition is filed under Article 227 of the Constitution of India against the petition and order dated 28.04.2014 made in I.A.No.1433 of 2014 in O.S.No.948 of 2014 on the file of Principal District Munsif Court, Coimbatore.

For Petitioner : Mr.S.Mukunth  
for M/s.Sarvabhauman Associates

**ORDER**

This civil revision petition arises out of the order dated 28.04.2014 passed by the Principal District Munsif Court, Coimbatore, in I.A.No.1433 of 2014 in O.S.No.948 of 2014.

2. The civil revision petitioner is the fourth defendant in the suit. The first respondent had instituted the suit against the petitioner and six others for bare injunction.

3. The first respondent/plaintiff has filed I.A.No.1432 of 2014 seeking an interim injunction under Order 39 Rule 1 C.P.C. When the application was pending, the plaintiff filed another application in I.A.No.1433 of 2014 seeking appointment of an Advocate Commissioner to inspect and measure the suit property with the help of a qualified surveyor and note down the physical features.

4. In the affidavit filed in support of the application, the first respondent has categorically stated that when the injunction application was pending on 16.03.2014, the defendants attempted to trespass into his property in Survey No.385/5 to form of new road. It is further alleged that the defendants had also brought J.C.B machine to form the road. The first respondent has further alleged that the defendants had caused damage to his property, for which, he had given a complaint to the Inspector of Police, Annur Police Station.

5. On the basis of the averments contained in the affidavit, the learned District Munsif, Coimbatore, appointed an Advocate Commissioner. Aggrieved by the order, the present civil revision petition is filed.

6. Mr.S.Mukunth, learned counsel for the petitioner submitted that the suit was filed for bare injunction, but the trial Court has appointed an Advocate Commissioner to note down the physical features and also to fix boundaries with the help of a qualified surveyor, which exceeds the scope of the suit. I am unable to accept the contention of the learned counsel for the petitioner.

7. It is seen that the first respondent has categorically stated that pending the suit and the injunction application, the defendants have attempted to trespass into the suit property and caused damage with the help of J.C.B machine. In my considered view, the learned District Munsif, Coimbatore, rightly appointed an Advocate Commissioner. I do not find any illegality or irregularity in the impugned order.

In fine, the civil revision petition is dismissed. No costs.  
Consequently, connected miscellaneous petition is closed.

Index:Yes/No  
Internet:Yes/No  
sms

12.02.2015

To  
The Principal District Munsif Court, Coimbatore.

**K.KALYANASUNDARAM,J.**

sms

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