

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2626 of 2015 and
MP.No.1 of 2015

1.K.R.Velliangiri
2.K.R.Chinnadurai
3.K.R.Arumugam

...Petitioners

versus

1.K.P.Eswaramoorthy
2.K.P.Jaganathan
3.K.P.Pasumathi
4.The President
First Grade Village Panchayat
Panchayat Office, Kavindapadi
Bhavani Taluk, Erode District.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 07.02.2015 made in I.A.No.328 of 2014 in O.S.No.257 of 2010 on the file of First Additional District Munsif Court, Bhavani.

For Petitioners : Mr.N.Manokaran

For RR1 to R3 : Mr.V.Anandamurthy

ORDER

This Civil Revision Petition is directed against the order dated 07.02.2015, whereby and where under, the learned Additional District

Munsif, Bhavani allowed the application filed by the respondents and appointed an Advocate Commissioner.

2. Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of respondents 1 to 3.

3. The factual matrix indicates that when examined as P.W.1, a question was put by the learned counsel for the respondents to the petitioners as to whether in view of the dispute with regard to the physical features, Commission would be taken. P.W.1, agreed that Commissioner can be appointed. Thereafter, the respondents filed application for appointment of Advocate Commissioner to inspect the property and submit his report.

4. The learned Judge having found that appointment of Advocate Commissioner is absolutely necessary to report about the physical features allowed the application. The report of the Commissioner would be received by the Court and it will be looked into only for the purpose of assisting the Court to arrive at a conclusion. In case, the petitioners are aggrieved by the report filed by the Commissioner, it is open to them to file objections or to file a petition to remit the report to the

very same Commissioner for the purpose of filing another report. In any case, the petitioners having consented for appointment of Advocate Commissioner cannot turn round and contend that Advocate Commissioner is not necessary for an effective adjudication of the matter. I am therefore of the view that there is no case made out by the petitioners to interfere with the order passed by the learned Judge in I.A.No.328 of 2014.

5. In the up shot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

30.09.2016

Index:Yes/No

svki

To

The First Additional District Munsif Court, Bhavani.

K.K.SASIDHARAN, J.

(svki)

C.R.P.(P.D.) No.2626 of 2015

30.09.2016