

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.422 of 2015
and M.P.No.1 of 2015

1. Ramayal
2. Jayalakshmi

.. Petitioners

-Vs.-

1. Rukmani
2. Bhuvaneswari
3. Ravi Kumar @ Palanisamy
4. Pappayammal
5. K.P.Mayilsamy
6. Sethumadhavan
7. K.R.Pongiyannan
8. Chithra Devi
9. Nallappa Gounder

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 15.07.2014 made in I.A.No.104 of 2014 in I.A.No.384 of 2009 in O.S.No.88 of 2009 on the file of the learned District Munsif, Gobichettipalayam.

For petitioners ... Mr.V.P.K.Gowtham

For Respondents
1 to 3 and 5 to 8 ... Mr.P.Valliappan

ORDER

This Civil Revision Petition has been filed against the order dated 15.07.2014 passed by the learned District Munsif, Gobichettipalayam in I.A.No.384 of 2009 in O.S.No.88 of 2009.

2. The suit is for mandatory injunction to remove the encroachments as prescribed in the plaint attached plan.

3. Earlier, an Advocate Commissioner was appointed at the instance of the plaintiffs and the said warrant of the Commissioner was returned, as the Commissioner could not execute the same without the help of the Taluk Surveyor. Now, the present application is filed by the plaintiffs for appointment of Commissioner to note down the physical features of the suit property and measure the same with the help of the Taluk Surveyor, which was allowed by the trial Court on payment of costs of Rs.500/-. Aggrieved by the same, the above Civil Revision Petition has been filed.

3. It is also observed that the first Commissioner could not

execute the warrant only because of the objection raised by the revision petitioners herein on the ground that the Court does not mention that Land Surveyor should accompany the Advocate Commissioner. Now, when the plaintiffs have asked for appointment of Commissioner to measure the property with the help of land surveyor, the defendants have objected to the same. However, the application was rightly allowed by the trial Court, which does not suffer from any infirmity and this Court do not find any reason to interfere with.

4. Accordingly, the Civil Revision Petition is disposed of. However, considering the suit is of the year 2009, the learned District Munsif, Gobichettipalayam is directed to complete the trial and dispose of the same on before 30.04.2017. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2016

srn

To

The District Munsif,
Gobichettipalayam

PUSHPA SATHYANARAYANA.J

srn

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