

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1433 of 2016
and
C.M.P.No.7871 of 2016

1.V.Selvam

2.S.Karthigamani

... Petitioners

VS

1.Rajathi

W/o.Nagarajan (late)

2.Selvaganapathi

S/o.Nagarajan (late)

3.Arukkani

W/o.Chinnapiyan (late)

4.C.Sengottuvelan

S/o.Chinnapiyan (late)

5.Bakthavatchalam

S/o.Perumal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned Principal District Munsif, Salem, passed in I.A.No.804 of 2015 in O.S.No.31 of 2010 on 24.11.2015.

For Petitioners : Mr.K.Selvaraj

ORDER

This revision challenges the order of learned Principal District Munsif, Salem, passed in I.A.No.804 of 2015 in O.S.No.31 of 2010 on 24.11.2015.

2. Heard learned counsel for petitioners.
3. By way of I.A.No.804 of 2015 in O.S.No.31 of 2010, the respondents 1 and 2/plaintiffs sought appointment of an Advocate Commissioner towards measuring the suit property with the assistance of revenue officials and to file a report. Such petition was allowed. It is the submission of learned counsel for petitioners that the suit is of the year 2010 and has been pending at the stage of trial for the past six months and only towards protracting proceedings, the respondents 1 and 2/plaintiffs had moved the said application which came to be wrongly allowed.
4. In allowing the petition, the Court below has reasoned that since the suit is for grant of mandatory injunction to remove the encroachment, the report of the Advocate Commissioner is necessary. This Court finds the reasoning of the Court below justified.

The Civil Revision Petition shall stand dismissed. However, taking note of the submissions of learned counsel for petitioners that the proceedings are being unduly protracted, this Court would direct learned Principal District Munsif, Salem, to dispose of O.S.No.31 of 2010 as expeditiously as possible, preferably, within a period of six months from the date of receipt of this order. No costs. Consequently, connected miscellaneous petition is also closed.

02.06.2016

Index:yes/no
Internet:yes
gm

To

The Principal District Munsif,
Salem.

C.T.SELVAM, J

gm

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