

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(P.D.) No.2725 of 2016 and
CMP.No.14033 of 2016

1.K.Veeracholan
2.T.Gunasekaran
3.G.Rajendaran
4.T.Balu
5.Krishnamoorthy

... Petitioners /Plaintiffs

Vs

M.Manokaran

... Respondent/1st
Defendant

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.12.2015 passed in I.A.No.260 of 2015 in O.S.No.180 of 2011, on the file of Additional District Munsif, Chidambaram and allow this revision.

For Petitioners : Mr.P.R.Thiruneelakandan

For Respondent : Mr.A.Muthukumar

ORDER

The Trial Court, appointed an Advocate Commissioner pursuant to the application filed by the respondent, with a direction to inspect to property with the help of District Head Surveyor and report about the physical features. The said order is under challenge in this Civil Revision Petition at the instance of the plaintiffs, on the ground that the Commissioner, who was appointed by the Court in the earlier suit filed by the respondent herein was once again appointed as Commissioner, in the present suit.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondent.

3. The Trial Court earlier appointed an Advocate Commissioner. The Advocate Commissioner submitted his interim report. Subsequently, the warrant was returned. Thereafter, the respondent filed an application in I.A.No.260 of 2015, for appointment of another Advocate Commissioner, to

inspect the property. The Trial Court, appointed an Advocate, who earlier submitted a report in a suit filed by the respondent in O.S.No.426 of 1999. According to the petitioner, in case, the very same advocate is appointed as Advocate Commissioner, he would take note of the earlier report and file a report in favour of the respondent.

4. When the above point raised by the learned counsel for the petitioners was put to the learned counsel for the respondent on a specific complaint against a particular lawyer, learned counsel fairly submitted that he has no objection in appointing another Advocate Commissioner by the Trial Court.

5. The objection is only against a particular lawyer appointed as Advocate Commissioner. The objection is on the ground that in the earlier suit filed by the respondent herein the very same advocate was the Commissioner. Now, that the respondent has also no objection in appointing another Advocate Commissioner, necessarily, the order under challenge required to be modified.

K.K.SASIDHARAN, J.

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6. Learned Additional District Munsif, Chidambaram is directed to appoint any other advocate from Chidambaram Bar, as Advocate Commissioner, who would inspect the property in question with the assistance of District Head Surveyor. The property shall be measured in accordance with the survey records and other revenue documents. The order dated 08.12.2016 would remain as it is in all other respects except the above modification.

7.This Civil Revision Petition is disposed of with the above modification. No costs. Consequently, connected miscellaneous petition is closed.

23.09.2016

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To

1. The Additional District Munsif, Chidambaram.

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