

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

C.R.P.(PD).No.2800 of 2014
and M.P.No.1 of 2014

1.Velusamy

2.Mariammal

... Petitioners

Vs.

1.S.Palaniappan

2.Balu @ Balakrishnan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 10.01.2014 in I.A.No.478 of 2013 in O.S.No.58 of 2012 on the file of the I Additional Sub Court, Erode.

For Petitioners : Mr.S.Kaithamalaikumaran

ORDER

Challenging the fair and final order passed in I.A.No.478 of 2013 in O.S.No.58 of 2012 on the file of the I Additional Subordinate Court, Erode, the plaintiffs have filed the above Civil Revision Petition.

2.The plaintiffs filed the suit in O.S.No.58 of 2012 for declaration and permanent injunction.

3.The defendants filed their written statement and are contesting the suit. Subsequently, the plaintiffs filed an application in I.A.No.478 of 2013 seeking for appointment of Advocate Commissioner to note down the physical features and to take down the measurements of the suit property and to ascertain the age of the suit property with the help of a qualified PWD Engineer. Though the defendants opposed the application, the trial Court appointed an Advocate Commissioner to note down the physical features with the assistance of a Surveyor. Against this order, the plaintiffs have filed the above Civil Revision Petition.

4.When the suit itself is for declaration and permanent injunction, the trial Court has allowed the application and appointed an Advocate Commissioner to note down the physical features with the help of a Surveyor. There is no necessity for appointing a PWD Engineer to assist the Advocate Commissioner. The Surveyor can help the Advocate Commissioner in measuring the suit property and to note down the physical features.

5.In these circumstances, I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition

is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

17.03.2017

To

1.The I Additional Sub Court,
Erode.

**M. DURAISWAMY, J.
va**

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