

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Civil Revision Petition (PD) No.354 of 2017
& CMP.No.1587 of 2017

A.Ramakrishnan

... Petitioner

VS

A.Madheswaran

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 12.01.2017 made in I.A.No.1371 of 2016 in O.S.No.698 of 2016 on the file of the first Additional District Munsif Court, Salem.

For Petitioner : Mr.C.Munusamy

For Respondent : No appearance

ORDER

Civil Revision Petition has been filed against the fair and decretal order dated 12.01.2017 made in I.A.No.1371 of 2016 in O.S.No.698 of 2016 on the file of the first Additional District Munsif Court, Salem.

2.The petitioner has laid a suit for permanent injunction in respect of S.No.90/5 on the footing that he has purchased the same under the Sale Deed dated 06.04.2016.

3.The defendant has filed his written statement contending that under the guise of the suit, the plaintiff is attempting to annex the property belonging to the Temple situated in S.No.90/6, which is just adjacent to the suit property and further stated that there is a road dividing the suit property and the property situated in S.No.90/6.

4.The defendant preferred an application for appointment of an Advocate Commissioner to locate and identify the suit property as well as the property situated in S.No.90/6 so as to enable the court to adjudicate the issues involved between the parties as to whether any encroachment had been made by the plaintiff in the property belonging to the Temple situated in S.No.90/6. The above plea of the defendant found acceptance by the court below and accordingly, the court below has appointed an Advocate Commissioner. Impugning the same, the petitioner/plaintiff has preferred the civil revision petition. However, it has not been made out by the petitioner/plaintiff that the impugned order of the court below is erroneous

and against law.

5.It is found that considering the rival contentions of the parties and that the report of the Advocate Commissioner would enable the court to adjudicate the issues involved between the parties, the court below has appointed the Advocate Commissioner. No infirmity is thus found with reference to the impugned order of the court below.

6.In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.02.2017

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Index:yes/no

Internet:yes

To

The first Additional District Munsif Court,
Salem.

T.RAVINDRAN, J

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