

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Civil Revision Petition (PD) No.452 of 2017
& CMP.No.2144 of 2017

1.Y.S.Bharthan
2.Y.S.Narayanan

... Petitioners

VS

Y.R.Bellie

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 02.12.2016 made in I.A.No.259 of 2016 in I.A.No.25 of 2013 in O.S.No.5 of 2013 on the file of the District Munsif Court, Coonoor.

For Petitioners : Mr.S.Rajmakesh

ORDER

Civil Revision Petition has been filed against the fair and decretal order dated 02.12.2016 made in I.A.No.259 of 2016 in I.A.No.25 of 2013 in O.S.No.5 of

2013 on the file of the District Munsif Court, Coonoor.

2.The petitioners are the plaintiffs. The suit has been laid for permanent injunction. It is found that on the application taken out by the defendant, an Advocate Commissioner was appointed and accordingly he had inspected the suit property noting the physical features etc and submitted his report. To the same, it is admitted that the petitioners/plaintiffs have not filed any objections. However, three years thereafter, it is found that the petitioners/plaintiffs have preferred an application for appointment of Advocate Commissioner for the same purpose. The same did not find acceptance by the court below. The court below has rightly found that the prayer sought for by the petitioners/plaintiffs in their application has already been accomplished by the appointment of Advocate Commissioner at the initiation of the defendant and accordingly, dismissed the petition preferred by the petitioners/plaintiffs.

3.I do not find any infirmity in the impugned order of the court below. It has not been explained by the petitioners/plaintiffs as to why they have not filed any objections to the report of the Advocate Commissioner already filed. The learned counsel appearing for the petitioners/plaintiffs prays for a direction to the court below to enable him to file objections to the Advocate

commissioner's report.

4.It is always open to the plaintiffs/petitioners to move the trial court for such remedy and this Court need not issue any direction with reference to the same.

5.In the result, I do not find any error in the impugned order of the court below. Accordingly, 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 District Munsif Court, Coonoor

T.RAVINDRAN, J

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09.02.2017

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