

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.870 of 2017

1.Gunasekaran

2.Nambanna Gounder

3.Kanagambal

... Petitioners

Vs.

Ranjithkumar

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India seeking expeditious disposal of I.A.No.240 of 2007 in O.S.No.86 of 2007 on the file of the District Munsif Court, Sankari.

For Petitioners : Mr.N. Manokaran

ORDER

The defendants in the suit in O.S.No.86 of 2007 on the file of the District Munsif Court, Sankari have filed the above Civil Revision Petition to direct the trial Court to instruct the Advocate Commissioner to file his report and plan in I.A.No.240 of 2007 in O.S.No.86 of 2007 after local inspection within a time frame.

2.The plaintiff filed the suit in O.S.No.86 of 2007 for permanent injunction. On the date of presentation of the plaint, the respondent/ plaintiff took out an application in I.A.No.240 of 2007 seeking for appointment of an Advocate Commissioner. On the same day (i.e.) on 04.04.2007 itself, the trial Court appointed an Advocate Commissioner to note down the physical features.

3.Mr.N.Manoharan, the learned counsel appearing for the petitioner submitted that though the Commissioner was appointed as early as on 04.04.2007, till this date, the Commissioner has not visited the suit property. The commission application is pending for nearly 10 years, inspite of the same, the matter is being adjourned periodically for filing report of the Advocate Commissioner.

4.The trial Court cannot remain silent for 10 years for the filing of the Advocate Commissioner's report. In this circumstances, I direct the District Munsif Court, Sankari, to direct the Advocate Commissioner, who was the appointed in I.A.No.240 of 2007 to inspect the suit property and to file his report within four weeks from the date of receipt of a copy of this order. In

the event of the Commissioner not co-operating with the parties or not inspecting the suit property, the trial Court is directed to appoint some other Advocate Commissioner to note down the physical features and in such case, the new Commissioner may be directed to file his report within four weeks from the date of appointment.

5. With these observations, the Civil Revision Petition is disposed of.

No costs.

Index : No
Internet : Yes
va

10.03.2017

To

The District Munsif Court,
Sankari.

M.DURAIWAMY,J.
va

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