

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 28TH DAY OF FEBRUARY 2017

THE HON'BLE MR.JUSTICE P.VELMURUGAN

A.No.517 of 2017
in
C.S.No.732 of 2016

Mr.R.S.Vasudevan,
Son of late Mr.T.R.Srinivasan,
New No.12, Old Nos.5&6,
Ramasamy Street,
Gopalapuram,
Chennai - 600 086 (Rearside)

..Applicant/Plaintiff

-Versus-

1.Mr.S.Sridhar,
Son of Late Mr.R.Srinivasan,
Old No.5&6, New No.14,
Ramasamy Street,
(Front Side) Gopalapuram,
Chennai - 600 086.

2.Mrs.Nalini Ramesh,
Wife of Ramesh Ragava Chari,
Old No.5&6, New No.14,
Ramasamy Street,
(Front Side) Gopalapuram,
Chennai - 600 086.

3.Mrs.Renuka
Wife of Mr.Srinivasan,
Old No.5&6, New No.14,
Ramasamy Street,
(Front Side) Gopalapuram,
Chennai - 600 086.

4.Mrs.Leela Gopal,
Wife of Mr.Gopal,
Old No.5&6, New No.14,
Ramasamy Street,
(Front Side) Gopalapuram,
Chennai - 600 086.

.. Respondents/Defendants

Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner to go and visit the suit property which is morefully described in the schedule hereunder and direct him to note down the physical features of the suit schedule properties both "A" & "B" and file a report along with sketch and measurements within a stipulated time.

This Application coming on this day before this court for hearing Court made the following Order:

This application is filed for appointment of an Advocate Commissioner to note down the physical features of the suit schedule properties of both 'A' and 'B' and file a report with the sketch and measurements within a stipulated time.

2. Heard the learned counsel for the applicant.

3. Learned counsel for the applicant/plaintiff would submit that there is no other alternative passage for the applicant to reach his property except the common passage. Now, the respondent is putting up construction on the common passage and keeping construction materials thereon. Therefore, the applicant has filed this application for appointment of an Advocate Commissioner to note down the same.

4. Learned counsel for the respondents/defendants would submit that even 'B' schedule property does not belong to the applicant and this suit itself is not maintainable. Therefore, there is no need to appoint Advocate Commissioner and the application is liable to be dismissed.

5. Considering the facts and circumstances of the suit, this court is of the opinion that appointment of an Advocate Commissioner is necessary. Therefore this court is inclined to allow this application. Accordingly, this Court appoints

Mrs.R.Gandhimadhi, B.A.,B.L., Advocate, High Court, Chennai,
Residential Address: No.5/174, Anbazhagan Street, Mondiamman
Nagar, Redhills, Chennai 600 052, (Mobile:99403 84161), as
Advocate Commissioner.

6. The Advocate Commissioner is directed to note down the
physical features as described in 'A' and 'B' schedule
properties, after giving notice to both the parties and their
respective counsel regarding inspection of suit properties on
04.03.2017 and file a report on 06.03.2017 before the
Registry. The applicant is directed to pay a sum of
Rs.10,000/-(Rupees Ten Thousand only) directly to the Advocate
Commissioner towards her remuneration. Both the learned
counsel and parties are directed to co-operate for
the Advocate Commissioner to execute the warrant as directed
by this court on 04.03.2017 itself.

Registry is directed to list the matter on 09.03.2017
before this court and also to issue warrant to the Advocate
Commissioner by today (28.02.2017) itself.

sd/.P.V.J
28.02.2017

//Certified to be a true copy//

Dated this the day of 2017.

s.s/28.02.2016

COURT OFFICER

**From 25.09.2008 the Registry is issuing certified copies
of the Order/Judgment Decree in this format.**