

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(PD).No.154 of 2018

Ganesan

.. Petitioner

Vs

1.The Chief Educational Officer,
District Collectorate Buildings,
Salem District

2.The Supervisor,
Block Research Centre,
Magudanchavadi,
Sankagiri Taluk,
Salem District

3.The Headmaster,
Panchayat Union Elementary School,
Village:Santhaipettai,
Magudanchavadi Panchayat,
Sankagiri taluk,
Salem District

.. Respondents

PRAYER

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Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order made in IA.No.1580 of 2016 dated 01.09.2017 in OS.No.134 of 2011 on the file of the District Munsif Court, Sankagiri

For Petitioner : Mr.K.Govindan

O R D E R

The revision petitioner has filed a suit in OS.No.134 of 2011 against the respondents herein for declaration and permanent injunction. The third respondent has filed written statement in the month of August 2011. The respondents have filed an application in IA.No.180 of 2012 to appoint an Advocate Commissioner to inspect the suit property, note down the physical features and measure the same and file the report and plan before the court below. Pursuant to the order passed by the court below, the Advocate Commissioner has also submitted a report along with a plan on 12.01.2016. The revision petitioner has made an objection on 23.02.2016 to scrap the above report and to appoint an Advocate Commissioner to rectify the objections made by the revision petitioner by considering the objections of the revision petitioner and to submit a report. The respondents have filed counter statement in the aforesaid application by denying the allegations made by the revision petitioner. The respondents have stated that the Advocate Commissioner has inspected the suit property in the presence of the revision petitioner. Hence, the contention that there is no opportunity was granted to the revision petitioner is not acceptable. After hearing both of the parties,

the court below rejected the said application by observing that the report of the Advocate Commissioner is not a conclusive proof and the revision petitioner can very well adduce oral and documentary evidences in the main suit to establish the relief as stated in the main suit.

2. On perusal of the records, it is seen that the court below has rightly rejected the application stating that the revision petitioner can very well agitate the matter in the main suit for the reason that the revision petitioner has not stated any satisfactory reasons in the affidavit for scraping of the report and to appoint an Advocate Commissioner. Hence, there is no warrant to interfere with the orders passed by the court below and the Civil Revision Petition is liable to be dismissed.

3. In the result, the Civil Revision Petition is dismissed. No costs.

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17.01.2018

Speaking/Non-Speaking order

Index :Yes/No

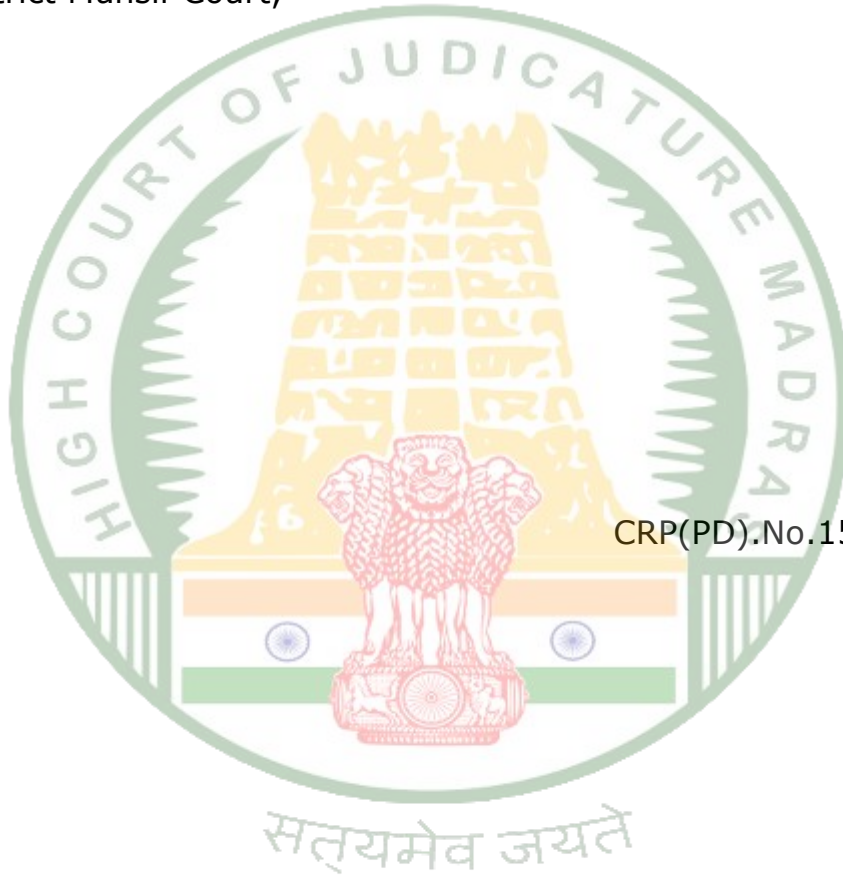
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D. KRISHNAKUMAR J.,

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To
The District Munsif Court,
Sankari



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