

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**Civil Revision Petition (PD) No.4820 of 2017****and****C.M.P.No.22784 of 2017**

1.Chinnappa Naicker

2.C.Subramani

3.C.Loganathan

... Petitioners

..Vs..

C.Chandran

... Respondent

Prayer: This Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 12.06.2015 passed in I.A.No.816 of 2014 in O.S.No.342 of 2009 on the file of Additional District Munsif, Poonamallee.

For petitioner : Mr.N.R.Anantha Ramakrishnan

सत्यमेव जयते

ORDER**WEB COPY**

Challenging the fair and decretal order dated 12.06.2015 passed in I.A.No.816 of 2014 in O.S.No.342 of 2009 on the file of Additional District Munsif, Poonamallee, the present Civil Revision Petition has been filed.

2. According to the petitioner, the application in I.A.No.816 of 2014 in O.S.No.342 of 2009, on the file of the Additional District Munsif, Poonamallee has been filed for declaration and recovery of possession of 'B' schedule property and for permanent injunction. The aforesaid application has been filed to appoint an Advocate Commissioner to measure and fix the limits of the properties belonging to the petitioners, based on documents. The Court below dismissed the application holding that already a report has been filed by the Advocate Commissioner in I.A.No.833 of 2009 dated 4.11.2009 and that the petitioner has not filed any objection to above report and therefore, the said I.A.No.833 of 2009 was closed on 20.04.2010 and that no change in circumstances or drastic alterations were made in the suit properties warranting appointment of an Advocate Commissioner.

3. Admittedly, the petitioners have filed I.A.No.816 of 2014 after a period of four years from the date of order passed in I.A.No.833 of 2009, without any valid reason for appointment of an Advocate Commissioner, in the present application. Therefore, this Court does not find any reason to interfere with the order of the Court below.

4. In view of the above, this civil revision petition is dismissed. However, the petitioners are at liberty to establish their rights before the Court below by adducing the necessary oral and documentary evidence, in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

06.02.2018

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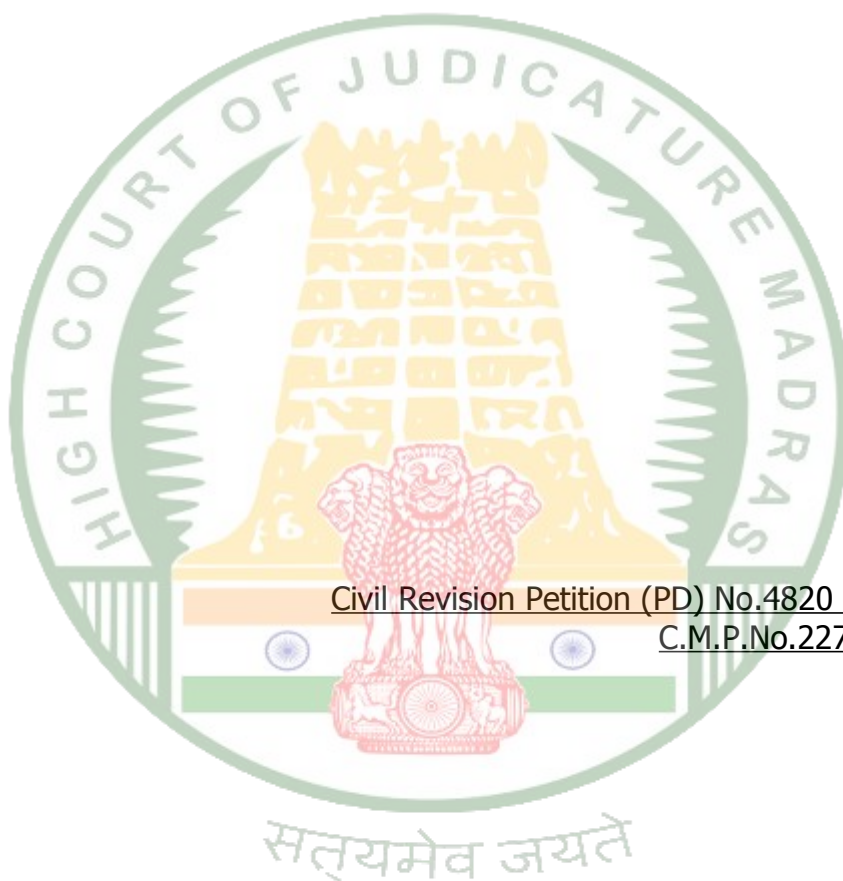
To
The Additional District Munsif, Poonamallee.



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D.KRISHNAKUMAR, J.,

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