



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHANC.R.P. (MD) .No.1143 of 2016 and
C.M.P. (MD) .No.5668 of 20161.Sathiamurthy
2.Dhanabalakrishnan

... Petitioners/Defendants 12 & 14

-vs-1. Nallusamy
2. A.Kadirvel
3. Radhamani
4. Makudeswaran
5. Sengodan, S/o.Velusamy
6. Muruganandam
7. Gunasekaran
8. Sengodan, S/o.Muthu Pulavanar
9. Nagaranan
10.Kalai Selvi
11.Jayamurugan
12.C.Periyasamy
13.S.Manimaran
14.D.Kanakaraj
15.O.K.R.Radhakrishnan
16.P.Indirani... 1st Respondent/Plaintiff... Respondents 2 to 16/Defendants 1 to 11,
13 & 15 to 17

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 16.03.2016 made in I.A.No.1298 of 2015 in O.S.No.216 of 2008 on the file of the Additional District Munsif Court, Karur.

For Petitioner : Mr.V.Sitharanjan Das
For R-1 : Mr.V.Balaji**ORDER**

The defendants 12 and 14 in O.S.No.216 of 2008 on the file of the Additional District Munsif Court, Karur are the revision petitioners herein. The said suit has been instituted by the first respondent herein for demarcation of boundaries and for permanent injunction. In the said suit, an Advocate Commissioner was appointed. The said Advocate Commissioner has filed interim reports also. But the work is not yet fully over. In the mean while, it appears that unpleasant developments have taken place, it is also on record. Therefore, the petitioners herein filed I.A.No.1298 of 2015 for discharging the Commissioner and for appointing a new Advocate Commissioner for carrying out the remaining. The Court below



dismissed the said I.A on 16.03.2016. Questioning the same, the present Civil Revision Petition has been filed.

2. The learned counsel appearing for the first respondent informs this Court that the Advocate Commissioner has filed a memo dated 30.09.2015, making very serious allegation against the defendants 12 and 14. This Court went through the contents of the said memo. Likewise, the revision petitioners have also filed a memo against that Advocate Commissioner. The Court below shall consider both the memos, hold an enquiry and pass appropriate orders thereon.

3. This Court is of the view that to ensure a more conducive environment, a new Advocate Commissioner can be appointed to complete the balance work. In this view of the matter, the order impugned in this Civil Revision Petition is liable to be set aside.

4. The Court below shall appoint a new Advocate Commissioner to carry out the remaining part of the work. It is made clear that the revision petitioners shall not interfere with the work to be undertaken by the Advocate Commissioner with the assistance of the surveyor. The entire proceedings shall be duly videographed. If need be, the newly appointed Advocate Commissioner shall take the assistance of the local police. The Court below will issue a proper warrant to the new Advocate Commissioner incorporating such terms, as it deems fit. The Court below shall ensure that this entire process is concluded within a period of four weeks.

5. It has been agreed by the learned counsel on either side that the earlier report will form part of the record.

6. Accordingly, this Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed. It is made clear that the parties will be at liberty to give a fresh memo of instructions to the Advocate Commissioner.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

Encl.: Xerox copy of Memo

To

The Additional District Munsif, Karur.

+ 1 CC TO Mr.V.SITHARANJANDAS, ADVOCATE IN SR No. 82066

+ 1 CC TO Mr.V.BALAJI, ADVOCATE IN SR No. 82311

VS/SM