



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.1388 of 2016 (PD)

1.Solaiammal

2.Marudai

3.Vinothkumar

... Petitioners

Vs.

1.Singaram

2.Marimuthu

... Respondents

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 16.02.2016 in I.A No.1045 of 2014 in O.S No.190 of 2014 on the file of the District Munsif Court, Kulithalai.

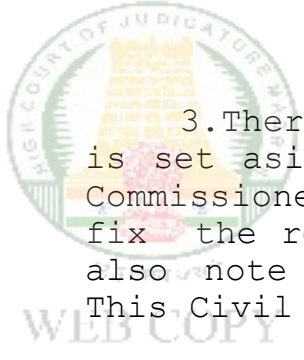
For Petitioners : Mr.K.Govindarajan

For Respondents : Mr.G.Sridharan for R2
R1 - refused.

ORDER

The revision petitioners are the plaintiffs in O.S No.190 of 2014 on the file of the District Munsif Court, Kuzhithalai. It is a suit for permanent injunction, declaration, mandatory injunction and also recovery of possession. The plaintiffs filed I.A No.1045 of 2014 for appointment of an Advocate Commissioner for measurement of the properties in question. The court below by order dated 16.12.2016 dismissed the same. Questioning the correctness of the said order, this civil revision petition has been filed.

2.It is seen that there is a dispute in respect of properties in S.F Nos.35/32, 35/33 and 35/38. This Court is of the view that obtaining a report from the Advocate Commissioner for localizing the property and measuring the same with the help of the surveyor will reduce the volume of oral evidence to be let in and facilitate a better adjudication of the issues raised.



3. Therefore, the order impugned in this civil revision petition is set aside. The court below is directed to appoint an Advocate Commissioner and also draft the terms of the warrant properly and fix the remuneration accordingly. The Advocate Commissioner shall also note down the physical features of the suit properties. This Civil Revision Petition is allowed. No costs.

Sd/

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar (CS-III)

To

The District Munsif Court, Kulithalai.

Copy to: The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1cc to Mr.K.Govindarajan, Advocate, SR.No.82174

+1cc to Mr.S.SRIDHARAN, Advocate, SR.No.81610

CRP (MD) No.1388 of 2016 (PD)
31.08.2018

SKM

KK/SV/SAR-3/09.10.2018/2P-6C