



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) (PD) No. 573 of 2016

and

C.M.P. (MD) No. 2510 of 2016

C. Paulraj ... Revision Petitioner/Petitioner/Defendant
/Vs./

1. A.B. Kumaran
2. Saraswathi Amma
3. B. Geetha
4. B. Valsala
5. B. Kaladevi
6. The District Collector,
Kanyakumari District,
At Nagercoil.

... Respondents/Respondents / Plaintiffs

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to allow the civil revision petition and set aside the order passed in I.A.No.24 of 2014 in O.S.No.129 of 2013 on the file of the Sub Court, Padmanabhapuram dated 25.09.2015.

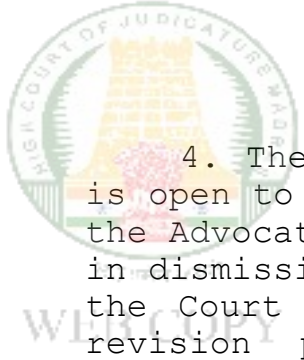
For Petitioners	: Mr.C.K.M.Appaji
For R-1 to R-5	: Mr.S.C.Herold Singh
For R-6	: Mr.M.Karuppasamy
	Government Advocate

ORDER

The defendant in O.S.No.129 of 2013 is the revision petitioner herein. The suit is for declaration and permanent injunction. In the said suit, defendant took out an application for appointing an Advocate Commissioner. An Advocate Commissioner was appointed and he also filed his report. Thereafter, an Interlocutory Application was filed for allotting the District Surveyor to measure the suit property. The Court below dismissed the said Interlocutory Application in I.A.No.24 of 2014 by an order dated 25.09.2015. The correctness of the said order is challenged in the civil revision petition.

2. The learned counsel appearing for the revision petitioner reiterated the grounds set out in the memorandum.

3. The learned counsel appearing for the respondents would submit that the Advocate Commissioner had actually taken the assistance of Taluk Surveyor.



4. Therefore, if the revision petitioner has any objection, it is open to him not only to lodge his objections, but also to examine the Advocate Commissioner. Therefore, the Court below was justified in dismissing the Interlocutory Application. The reasons affirmed by the Court below are sound and acceptable. Accordingly, the civil revision petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

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To

1.The Sub Court, Padmanabhapuram.

2.The District Collector,
kanyakumari district,
Nagercoil.

+1cc to Mr.C.K.M.Appaji, Advocate in SR No.81448

+1cc to Spl Government Pleader SR No.81466

+1cc to Mr.S.C.Herold Singh, Advocate in SR No.81243

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NM/RP/SAR 4/27.09.2018/2P/6C