

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 22.11.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.R.P (MD) .No.2510 of 2018 (PD)****and****C.M.P. (MD) .No.11061 of 2018**

WEB COPY

Co-sharers represented by
Murugesan... Petitioner/
Petitioner / Plaintiff

Vs.

K.P.Ramalingam

... Respondent/
Respondent / Defendant

PRAYER:- Civil Miscellaneous Petitions filed under Article 227 of the Constitution of India, as against the order dated 06.07.018 passed by the learned District Munsif, Karur in I.A.No.767 of 2015 in O.S.No.345 of 2012.

For petitioner : Mr.V.Sukumar

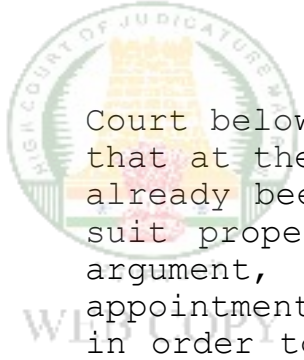
ORDER

This civil revision petition has been filed by the petitioner challenging the order, dated 06.07.018, passed by the learned District Munsif, Karur in I.A.No.767 of 2015 in O.S.No.345 of 2012, whereby and whereunder the request of the petitioner to appoint an Advocate Commissioner was rejected.

2.Heard the learned counsel for the petitioner and perused the records carefully.

3. The petitioner herein as plaintiff has filed the suit in O.S.No.345 of 2012 for the relief of mandatory injunction to remove the blockade made by the respondent over the suit "C" schedule property and for permanent injunction restraining the respondent from preventing the access in the suit "A" schedule property through "B" schedule property. According to the respondent / defendant, the suit "B" schedule property is not the only access to the suit "A" schedule property. While so, the petitioner has filed I.A.No.767 of 2015 seeking to appoint an Advocate Commissioner to measure the suit property with the help of the surveyor.

4. It is seen from the record that along with the suit, the petitioner had already filed a petition for appointment of Advocate Commissioner and the same was ordered and an Advocate Commissioner was appointed and that Advocate Commissioner has already filed her report and plan. After six years of filing of the said report, the petitioner has filed I.A.No.767 of 2015 seeking appointment of another Advocate Commissioner to measure the suit property. The



Court below has dismissed the petition in I.A.No.767 of 2015 holding that at the instance of the petitioner, an Advocate Commissioner has already been appointed and that Advocate Commissioner inspected the suit property and filed her report and plan and at the stage of argument, the petitioner has filed I.A.No.767 of 2015 for appointment of fresh Advocate Commissioner to measure the property, in order to cull out the evidence and to drag on the matter. This Court does not find any reason to interfere with the order passed by the Court below.

5. In view of the above, this Civil Revision Petition is dismissed at the stage of admission itself. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The District Munsif,
Karur.

GCG

KM/BK/SAR1/18.12.2018/2P/2C

C.R.P (MD) .No.2510 of 2018
22.11.2018