

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.02.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP.No.699 of 2019

and

CMP.No.4567 of 2019

M.Ramadoss

Represented by his Power of Attorney Agent
Bhuvaneswari ...

Petitioner

-vs-

1.ThaiyalNayaaki

2.Pethiyan ...

Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, against order and decreetal order dated 09.10.2018 made in I.A.No.379 of 2018 in O.S.No.46 of 2016 on file of the District Munsif Court, Tiruvarur.

For Petitioner : M/S.J.Nandagopal

O R D E R

The above Civil Revision Petition is filed challenging the dismissal of the application filed by the revisoin petitoiner/plaintiff for appointing the Advocate Commissioner to scrap the earlier commissioner's report in I.A.No.379 of 2018 and to appoint a new commissioner to note down the physical features of the suit property.

2.It is the case of the revision petitioner/plaintiff that the petitioner herein had filed a suit seeking mandatory injunction directing the defendant to restore the suit schedule property measuring an extent of 158.8 sq.feet which had been encroached by respondents/defendants. Pending suit, the plaintiff had earlier filed an application in I.A.No.163/2016 for appointing an Advocate Commissioner for the very same purpose. The commissioner along with surveyor has visited the suit property, noted down the physical features and the surveyor has opined that there was an encroachment into the

respondents/defendants property to an extent of 1.1 mm on the eastern side of the property. The revision petitioner had filed her objection and thereafter has come forward with the present petition.

3.The learned District munsif, Tiruvarur by his order dated 09.10.2018 was pleased to dismiss the said application stating that there was no necessity to scrap the report and particularly, when the very documents upon which the revision petitioner tries to place reliance does not contain measurements. Challenging the said order, the revision petitioner is before this court.

4.As observed by the learned District Munsif, Tiruvarur, the document of title of the revision petitioner does not specify any measurements are from the original report which has been marked as Ex.C1 it is evident that the surveyor had started measuring property from the road end to arrive at his conclusion in the earlier report. This cannot be found fault with.

5.I do not find any infirmity in the orders passed by the court below. Hence this Civil Revision Petition is dismissed. No costs. Connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

jrs

To

The District Munsif,
Tiruvarur.

+1 cc to M/s.J.Nandagopal, Advocate, S.R.No.17442

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CP(CO)
SSM(27/03/2019).