

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM:

THE HONOURABLE MS.JUSTICE P.T. ASHA

C.R.P. PD.No.1645 of 2019

and

CMP No.10742 of 2019

C. Selangan

...

Petitioner

versus

1. V. Govindasamy

2. V. Supiramani

3. P. Harinathan

4. P. Duraisamy

...

Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A. No.1 of 2019 in I.A. No.80 of 2017 in O.S. No.121 of 2016, dated 15.03.2018 on the file of the District Munsif Court, Vaniyambadi, Vellore District.

For Petitioner : Mr.D. Balachandran

ORDER

The above Civil Revision Petition is filed challenging the order passed

in I.A. No.1 of 2019 in I.A.80 of 2017 in O.S. No.121 of 2016 on the file of the

learned District Munsif Court, Vanniyambadi in and by which an application

moved by the defendants for scrapping the report filed by the earlier

Commissioner and directing the Commissioner to measure the property with the help of the land Surveyor has been dismissed.

2. The suit filed by the plaintiff is one for a bare injunction in respect of properties described in the schedule to the suit. Pending the suit, an Advocate Commissioner has been appointed in I.A. No.80 of 2017 and a very detailed report has been filed by the Commissioner along with the plan.

3. From the report of the learned Advocate Commissioner, it is seen that the learned Advocate Commissioner has visited the property and inspected the same with the help of the Village Administrative Officer, the Firka Surveyor, as well as the residents of the locality identifying the properties and filed a detailed report along with the plan. Objections to the same has also been filed by the defendants. Whiles, the petition, which is now the subject matter of the revision has been filed and no reasons whatsoever has been given, except to say that he did not have necessary equipments to measure the properties.

4. From the report earlier filed in I.A. No.80 of 2017, it is seen that the learned Advocate Commissioner has measured the properties and the plan would clearly disclose the same. The learned Judge, Vanniyambadi, has

dismissed the application stating that there is no necessity as the earlier report covered the core issue. Challenging the same, the revision petitioner is before this Court.

5. As observed by the Court below, the earlier Advocate Commissioner has inspected the properties and submitted a detailed report. No material whatsoever has been put forward for scrapping a report. It is also borne in mind that the suit is for bare injunction and therefore, I do not find any infirmity in the order passed by the Court below.

6. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.04.2019

Internet: Yes/No

Index: Yes/No

Speaking order/Non-speaking order

vsi2

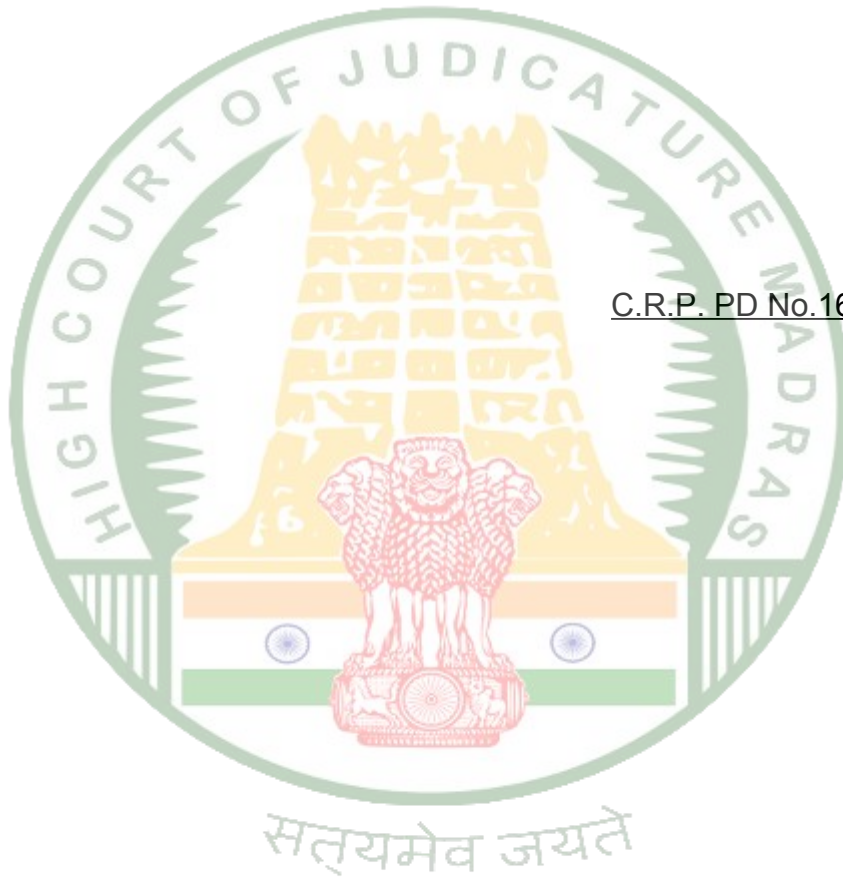
To

The District Munsif Court,
Vaniyambadi, Vellore District.

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P.T. Asha, J.

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