

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2020

CORAM:

**THE HON'BLE MR.JUSTICE V.BHARATHIDASAN**

C.R.P(PD).No.165 of 2020  
and  
C.M.P.Nos.926 of 2020

1. Deivasigamani

2. D. Dhanabal

3. D. Anbarasu

... Petitioners

Vs.

1. V. Kandasamy

2. K. Arunachalam

3. Nallamal

4. P. Kasthuri

... Respondents

**PRAYER :** Civil Revision Petition filed under article 227 of Constitution of India praying to set-aside the order dated

10.12.2019 passed in I.A.No.03 of 2019 in O.S.No.91 of 2019 on the file of the District Munsif Court, Perundurai , Erode and allow this Civil Revision Petition by directing the trial Court to appoint an Advocate Commissioner along with registered surveyor to measure and note down physical features of the suit schedule properties after issuing proper notice to the parties.

For Petitioner : Mr. R. Ramachandran

**ORDER**

The Civil Revision Petition has been filed against the order of appointing the Advocate Commissioner along with a registered surveyor to measure and note down the physical features of the suit schedule properties.

2. The petitioners are the defendants in the suit. Earlier, on an application filed by the respondents/plaintiffs in I.A.No.3 of 2019 in O.S.No.91 of 2019 before the District Munsif, Perundurai, a Commissioner was appointed to note down the

physical features of the suit schedule property and Commissioner was directed to file a report along with a rough plan. Now, challenging the same the present revision has been filed by the petitioners.

3. Heard the learned counsel for the petitioner and perused the materials available on records carefully.

4. The only contention of the petitioners is that they have no objection for appointment of Advocate Commissioner and the Advocate Commissioner should be directed to measure the suit property with the help of a surveyor. But, the present application has been filed only seeking appointment of an Advocate Commissioner to note down the physical features of the suit property and the Court has also directed to issue warrant only for the purpose of noting down the physical features. In the said application, the petitioners, who are the respondents, cannot seek to measure the property with the help of surveyor and

hence, the petitioners cannot maintain the revision petition and the relief sought for by the petitioner cannot be granted.

5. Accordingly, the Civil Revision Petition is dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

23.01.2020

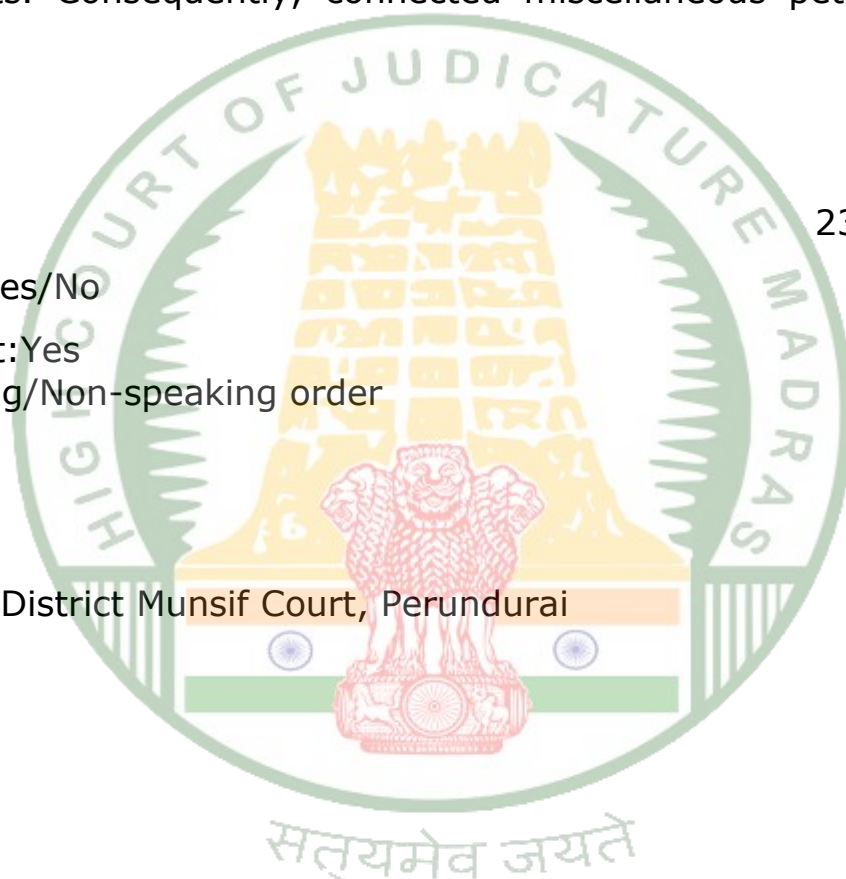
Index:Yes/No

Internet:Yes

Speaking/Non-speaking order  
mrp

To

The District Munsif Court, Perundurai

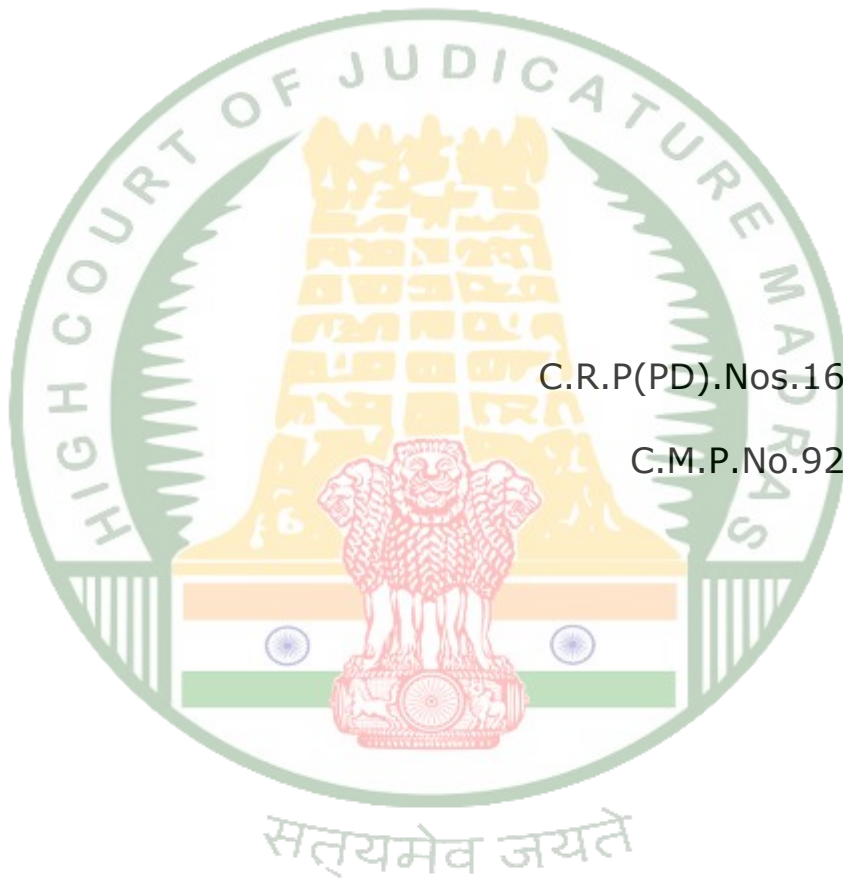


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**V.BHARATHIDASAN, J**

mrp



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