

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty First day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice G.K.ILANTHIRAIYAN

CMP No.3336 of 2020

IN SA.NO.1866 OF 2003

MURUGAVEL

[PETITIONER]

Vs

1 MANNANGATTI @ RAJA (DIED)

[RESPONDENTS]

2 AMBIKA

3 TAMILSELVI

4 LOGANATHAN

5 SILAMBARASAN

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to appoint an Advocate commissioner to inspect and measure the schedule mentioned properties as set out in the schedule to the petition with the help of the Surveyor (in CMP.3336/2020) in SA.NO.1866/2003.

(Xerox copy attached in Schedule of Property)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.MEENAL Advocate for the petitioner and of MR.V.RAGHAVACHARI Advocate for 2 to 5 respondents the court made the following order:-

This civil miscellaneous petition has been filed to appoint an Advocate Commissioner to inspect and measure the suit properties. The petitioner, who is the plaintiff filed a suit in O.S.No. 196 of 1994 on the file of the Principal District Munsif Court, Viluppuram for declaration and injunction.

2. The Trial Court dismissed the suit. Aggrieved by the same, the plaintiffs preferred an appeal suit in A.S.No. 49 of 2002 on the

of the Principal District Judge, Viluppuram and the first Appellate Court also dismissed the appeal and confirmed the judgment and decree passed by the Trial Court.

3. The learned counsel appearing for the petitioner submitted that the defendants owned property adjacent on the Eastern side of the "B" schedule property. The defendants also claimed through Ex.B17 dated 24.02.1992 by the registered sale deed from one Gangachalam Alwar. The measurements shows East to West 122.4 ft. from Eastern boundary of Kalli Sandhu. Now therefore, there is a dispute with regards to measurement on the eastern side of the property belonged to the defendant namely, Kalli Sandhu. Therefore, this Court is specified the reasons stated in the affidavit filed in support of the petitioner, this Court is inclined to appoint Advocate Commissioner.

4. Accordingly, Mr.S.Shanmugam, 1st Floor, VMKR Complex, Sudhakar Nagar, (OPP.Combined Court Campus) Villupuram, Mobile No.9444296551, E.Mail-shanmugamji@gmail.com is appointed as an Advocate Commissioner. The Advocate Commissioner is directed to inspect and measure the suit properties and file a report before the learned Principal District Munsif, Viluppuram. Therefore, the learned Principal District Court, Villupuram is directed to forward the same within four months from the date of receipt of copy of this order. The plaintiff is directed to pay a sum of Rs.10,000/- as initial remuneration.

-sd/-

21/02/2020

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT MUNSIF,
VILLUPURAM.

2 THE PRINCIPAL DISTRICT JUDGE
VILLUPURAM.

3 MR.S.SHANMUGAM,
ADVOCATE COMMISSIONER.
1ST FLOOR, VMKR COMPLEX, SUDHAKAR NAGAR,
(OPP.COMBINED COURT CAMPUS) VILLUPURAM,
MOBILE NO.9444296551,
E.Mail-shanmugamji@gmail.com

C.C. to M/S.R.SUBRAMANIAN Advocate SR.NO.2316

The Government Advocate, High Court, Madras - 104.

Order

in
CMP.3336/2020

in SA.NO.1866/2003

Date :21/02/2020

From 26.2.2001 the Registry is issuing certified
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