

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.2228 of 2018
and
C.M.P.No.14018 of 2018

S.Velu

...Petitioner

Vs.

1.K.Mannu @ Mani
2.K.Arumugam
3.K.Velu
4.G.Ramesh
5.G.Seenu
6.G.Karthi
7.G.Santhi

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed by the learned Additional Subordinate Judge, Vellore dated 18.04.2018 in I.A.No.510 of 2018 in O.S.No.164 of 2018 allowing the application for appointment of Commissioner filed by the respondents herein.

For Petitioner : Mr.D.Rajagopal

For Respondents: Mr.G.Jayachandran
(No appearance)

O R D E R

Aggrieved by an order appointing an Advocate Commissioner to note down the physical features of the suit property and also to note down the construction made therein, the defendant in the suit in O.S.No.164 of 2018 has come with this Civil Revision Petition. The suit is one for declaration, permanent injunction, mandatory injunction and for other reliefs. Along with the suit, an application in I.A.No.510 of 2018 was filed seeking appointment of Commissioner to note down the physical features and also to note down the nature of construction put up in the property. The trial Court appointed an Advocate Commissioner exparte. Aggrieved by which, the defendant has come with this Civil Revision Petition. The only grievance of the petitioner is that the Commissioner appointment was done without notice to him.

3. Mr.D.Rajagopal, learned counsel appearing for the petitioner would concede that the Commissioner had issued notice to the defendant before inspecting the property and the Advocate Commissioner also visited the property and filed a report. The only grievance is that the Commissioner has been appointed without notice. There is no prohibition from appointing a Commissioner without notice. All that is required is that the Commissioner should give notice of inspection to the parties concerned and thereafter, inspect the property. It is not in dispute that such an exercise has been done. I therefore do not see any reason to interfere with the order of the Trial Court.

4. Hence, this Civil Revision Petition fails, which is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

The Additional Subordinate Judge, Vellore.

C.R.P.No.2228 of 2018
and
C.M.P.No.14018 of 2018

BP (CO)
RMP (08/10/2020)

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