

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(PD)No.1749 of 2020

1. R.Balaraman
2. P.Prakash
3. P.Suresh
4. P.Ramesh

Petitioners

Vs

K.Sampath

Respondent

Prayer:- This Civil Revision Petition has been filed, under Section 227 of the Constitution of India, against the order and decretal order, dated 07.01.2020, made in IA.No.1 of 2019 in OS.No.188 of 2019, by the Sub Court, Tiruvalur.

For Petitioner : Mr.K.B.Vivekanandhan

ORDER

1. This Civil Revision Petition has been filed, against the order and decretal order, dated 07.01.2020, made in IA.No.1 of 2019 in OS.No.188 of 2019, by the Sub Court, Tiruvalur.
2. This court heard the learned counsel for the Petitioner.
3. The Petitioners herein are the defendants in the suit in OS.No.188 of 2019. The Respondent/Plaintiff has filed the said suit for declaration of title and for permanent injunction.
4. The location and boundary of the suit property are in dispute. Originally, at the time of filing of the suit, the Respondent/Plaintiff had filed a petition in

IA.No.392 of 2018 for appointment of an Advocate Commissioner to note down the physical features of the suit property and to file a report and the same was allowed. Accordingly, one Mr.T.Suresh, Advocate was appointed as the Advocate Commissioner and he inspected the suit property on 28.07.2018 and filed a report. To the said report, admittedly, the defendants have not filed any objection. However, the petitioners/ defendants have filed the present application in IA.No.1 of 2019 to appoint a new Advocate Commissioner to find out the actual boundaries of the suit property with the help of a Taluk Surveyor and to file a report and the same was dismissed by the impugned order. Hence, this CRP has been filed.

5. After perusing the impugned order and records, it is seen that in the written statement, the boundaries between the lands of the two parties are in dispute. Hence, this Court is of the considered view that the warrant may be reissued to the very same Advocate Commissioner to note down the boundaries. Since the application had already been disposed of by the Court Below, liberty may be granted to the Petitioners/ defendants to file necessary application before the same court for reissuance of warrant to the very same Advocate Commissioner to measure the land and also to note down the boundaries between the lands with the aid of the Taluk Surveyor.
6. Accordingly, this Civil Civil Revision Petition is disposed of, giving liberty to the Petitioners/ defendants to file necessary application for reissuance of warrant to the very same Advocate Commissioner to note down the physical features of the suit property and to note down the boundaries of the lands of

the two parties. If any such application is filed by the Petitioners/ defendants, the Court Below is directed to the dispose of the same, within four weeks from the date of numbering of such application. No costs.

07.10.2020

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Srcm

To

1. The Sub Court, Tiruvalur

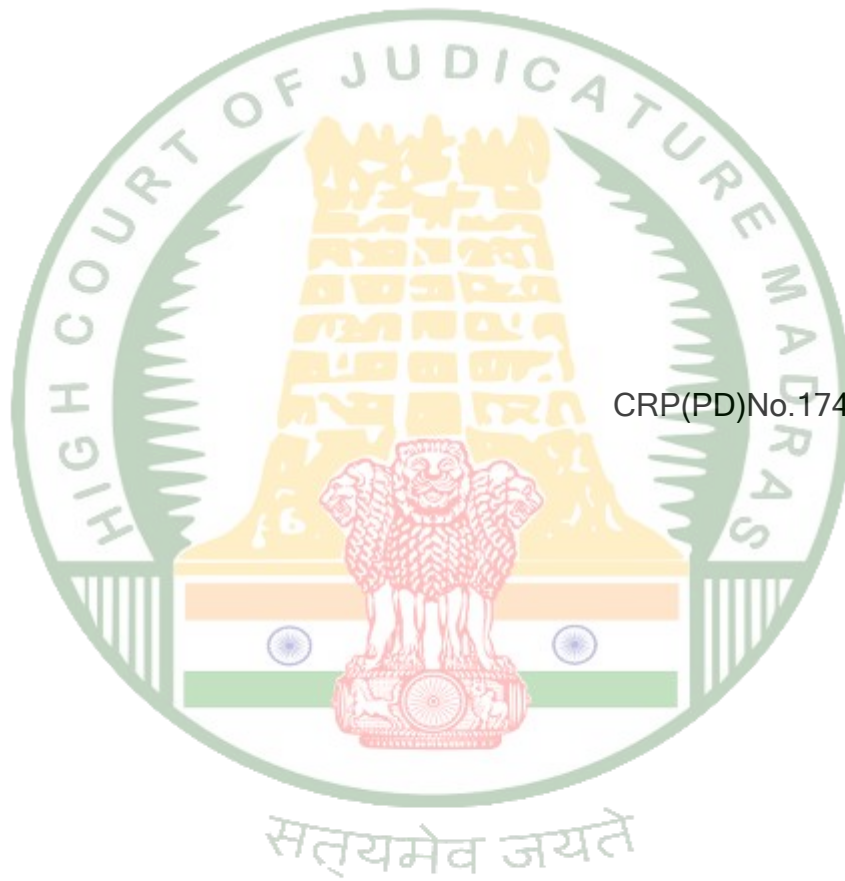


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RMT.TEEKAA RAMAN, J.

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