

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE **RMT.TEEKAA RAMAN**

C.R.P.[PD] No.1962 of 2020

and

C.M.P.No.12184 of 2020

1. Ramasamy
2. Murugesan
3. Shanmugam

... Petitioners

.. Vs ..

1. Ramasamy Gounder
2. Chinna Gounder
3. Anbalagan

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair order and decretal order in I.A.No.215 of 2016 in O.S.No.38 of 2016 on the file of the learned Additional District Munsif, Attur, dated 29.06.2020.

For Petitioners : Mr.R.Poornima

ORDER

This Civil Revision Petition has been filed by the revision petitioners/defendants against the fair order and decreetal order passed by the learned Additional District Munsif, Attur, in I.A.No.215 of 2016 in O.S.No.38 of 2016, dated 29.06.2020.

2. The plaintiffs in O.S.No.38 of 2016 have filed an application in I.A.No.215 of 2016 before the Trial Court for appointment of an Advocate Commissioner to make a local inspection of the suit property and to note down the existing physical features in the 'A' schedule property in the rough sketch 'ABCDEFGH'.

3. In the petition filed for appointment of an Advocate Commissioner, revision petitioners/defendants have filed counter stating that the existence of the road cart track in their land is admitted. But it is their exclusive land. The plaintiffs seek easmentary right over the cart track. The defendants taken a plea in the written statement that there exists an alternative pathway in Lathuvadi-East Rajapalayam road to reach the plaintiffs' land. For the reasons best known, the revision

petitioners/defendants have not projected the case properly before the Trial Court and hence, appointment of an Advocate Commissioner to note down the physical features and also the existence of the cart track along with the measurement is necessary for adjudication. Since the defendants are also taken a plea that the existence of the alternate cart track to the plaintiffs at above said Lathuvadi-East Rajapalayam road to reach the plaintiffs land and hence, the Advocate Commissioner appointed by the Trial Court is hereby required to look into the existence of the alternate cart track in the Lathuvadi-East Rajapalayam road leading to the plaintiffs land also be inspected along with the said Commission.

4. With this modification, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

04.11.2020

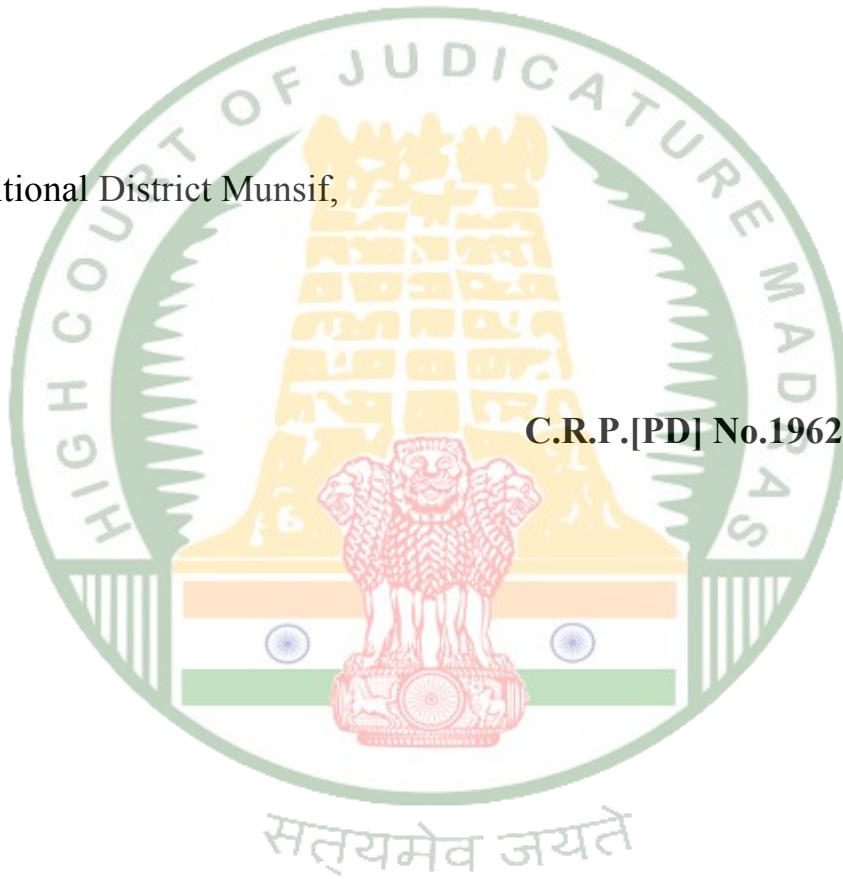
Index :Yes / No
Internet :Yes
Jrl

RMT.TEEKAA RAMAN, J.

Jrl

To

The Additional District Munsif,
Attur.



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