

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.NO.3416 OF 2019

AND

C.M.P.NO.22482 OF 2019

R.Brahadeeswaran

.. Petitioner

Vs.

B.Kannan

.. Respondent

Prayer:

Civil Revision Petition has been filed under Article 227 of the Constitution of India for a direction to set aside the fair and decreetal order dated 25.07.2019 made in I.A.No.1130 of 2018 in O.S.No.233 of 2012 on the file of the learned Additional District Munsif, Villupuram.

For Petitioner : Mr.C.Munusamy

O R D E R

Revision has been filed against the order dismissing the petitioner's application to appoint Advocate Commissioner to inspect the suit property and file a report.

2. Petitioner is the plaintiff in the suit. The suit has been filed for declaration of title and for a direction to the respondent/defendant to remove the compound wall and hand over vacant possession to the petitioner.

3. Pending suit, petitioner has filed the present application to appoint an Advocate Commissioner to inspect the suit property and measure the same with the help of a Surveyor and file a report. The trial Court dismissed the said application. Now, challenging the same, present revision has been filed.

4. Heard the learned counsel appearing for the petitioner and also perused the records carefully.

5. The suit is of the year 2012. It is for a declaration to declare petitioner's title over 'B' schedule property measuring an extent of 22 ½ feet East to West. There is no dispute with regard to the extent of the property. As there is no dispute regarding the extent, there is no necessity to measure the property with the help of a Surveyor. The trial Court considering the same, dismissed the application holding that no purpose would be served by appointing an Advocate Commissioner to note down the physical features. I do not find any illegality or irregularity in the same as the trial Court has rightly dismissed the said application. There is no merit in the revision and the same is liable to be dismissed.

6. In the result, the civil revision petition is dismissed and the fair and decreetal order of the Court below, impugned in this revision is hereby confirmed. Considering the fact that the suit is pending from the year 2012, the learned Additional District Munsif, Villupuram, is directed to dispose of the suit in O.S.No.233 of 2012, on merits and in accordance with law, after giving an opportunity to both the parties, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Additional District Munsif,
Villupuram.

Copy To

The Section Officer,
VR Section, High Court,
Madras-104.

+1cc to Mr.C.Munusamy, Advocate in sr.no.3713 (24.07.2020)

C.R.P.No.3416 of 2019 and
C.M.P.No.22482 of 2019

NR(CO)
CS/14/07/2020