



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 03.02.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. (PD) No.111 of 2021
and C.M.P.No.1033 of 2021

1.Ezhumalai Nagar,
S/o.Samikannau Nadar

2.Sivarajan,
S/o.Elumalai Nadar

...Petitioners/defendants

Vs

Thirumeni,
S/o.Nadesan Nadar

...Respondents/plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 04.10.2019 made in I.A.No.566 of 2018 in O.S.No.72 of 2017 on the file of the learned Additional District Munsif, Chidambaram, by allowing the revision petition.

For Petitioners : Mr.S.Manivasagam

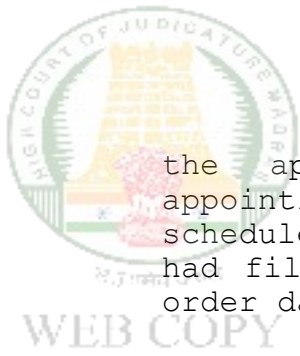
O R D E R

This Civil Revision Petition has been filed by the petitioners, seeking the relief to set aside the decretal order dated 04.10.2019 made in I.A.No.566 of 2018 in O.S.No.72 of 2017 on the file of the learned Additional District Munsif, Chidambaram.

2. The respondent / plaintiff has filed a suit as against the petitioners / defendants, for declaration of their title of the suit scheduled property and recovery of possession of the suit scheduled property from the petitioners/defendants, after removal of the superstructure by demolishing the same, which was put up by the petitioners/defendants.

3. In the mean while, the respondent / plaintiff has filed an Interlocutory Application in I.A.No.566 of 2018 in O.S.No.72 of 2017, before the learned Additional District Munsif, Chidambaram, for appointing the Advocate Commissioner to inspect the suit scheduled property with the assistance of a qualified surveyor, measure, locate and demarcate the suit property and also note down the encroachment committed by the petitioners and file a report.

4. Having considered all the materials placed before him, the learned Additional District Munsif, Chidambaram, allowed



the application filed by the respondent/plaintiff, by appointing the Advocate Commissioner to survey the suit scheduled property. As against the said order, the petitioners had filed this Revision and prayed to set aside the decretal order dated 04.10.2019.

5. The learned counsel for the petitioners submitted that the respondent has filed the application to survey the property only based on the partition deed within their brothers and the partition deed cannot be a document of title and without proving previous title, the partition deed has no legal sanctity and hence, prayed to dismiss this Revision.

6. I have perused the documents. The petitioners herein had filed this Revision, praying to set aside the order of the trial Court passed in I.A.No.566 of 2018 in O.S.No.72 of 2017. The trial Court, after perusing the documents, appointed the Advocate Commissioner and thereby, allowed the application. Hence, this Court is not inclined to interfere with the well reasoned order passed by the learned Additional District Munsif, Chidambaram.

7. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sbn

To

The Additional District Munsif,
Chidambaram.

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SMI (CO)
B.VC(14.07.2021)