

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.145 of 2018

and

CMP.No.746 of 2018

1.Zubaida Wahab  
2.Sarah Wahab

..Petitioners

Vs.

Dr.Najma Ghouse  
Represented by her Power Agent  
M/s.Skyline Fuondations (P) Ltd.,  
Represented by its Managing Director,  
Mohamed Qadeer Ahmed,  
No.87, Lloyds Road, Royapettah,  
Chennai-600 014

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order passed in IA.No.5654 of 2017 in OS.No.3143 of 2016 dated 13.09.2017 pending on the file of the XIII Assistant City Civil Court at Chennai.

For Petitioners : Mr.Niranjan Rajagopalan

For Respondent : Mr.G.R.M.Palaniappan

**ORDER**

This civil revision petition is filed against the fair and decretal order passed in IA.No.5654 of 2017 in OS.No.3143 of 2016 dated 13.09.2017 pending on the file of the XIII Assistant City Civil Court at Chennai, thereby appointed advocate commissioner to inspect the suit schedule property.

2. The petitioners are the defendants and the respondent is the plaintiff. The respondent filed suit for permanent injunction and also mandatory injunction directing the petitioners to remove the unauthorised encroachment in the form of a wall and a watchman shed being put up by them in the common passage. While pending the suit, the respondent filed petition for appointment of advocate commissioner to measure the eastern side compound wall of the petitioners' property.

3. On perusal of the affidavit filed in support of the petition for appointment of advocate commissioner revealed that the suit property is the common passage and it is situated on the western

side of the respondent's property and from the boundaries of the respondent's property. The suit property is situated at western side. Further revealed that the petitioners herein have extended about 10 feet compound wall on the eastern side of their property and western side of the respondent's property which is the obstruction for entering into the respondent's property. There is also a shed obstructing the ingress and egress of the respondent into and out of the property respectively. Therefore, the respondent filed petition for appointment of advocate commissioner to measure the eastern side compound wall of the petitioners' property. It would not amount to collection of evidence and the trial court rightly allowed the petition. As such this Court finds no irregularity or infirmity in the order passed by the court below.

4. Accordingly, the civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

Speaking/Non-speaking order  
Index : Yes/No  
Internet : Yes/No  
lok

08.04.2021

**G.K.ILANTHIRAIYAN,J.**

lok

To

The XIII Assistant Judge,  
City Civil Court at Chennai



CRP.PD.No.145 of 2018

WEB COPY

08.04.2021