

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

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

CRP.PD.Nos.2264 & 3054 of 2016 and  
CMP.No.11813 of 2016

CRP.PD.No.2264 of 2016

Natarajan

..Petitioner

Vs.

Velusamy

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order of the District Munsif cum Judicial Magistrate Court at Paramathi, dated 09.09.2015 in IA.No.632 of 2015 in IA.Nos.594 & 595 of 2015 in OS.No.128 of 2015.

For Petitioner : Mr.P.Valliappan

For Respondent : Mr.V.R.Arun Karthik  
for Mr.C.Jagadish

CRP.PD.No.3054 of 2016

Natarajan

..Petitioner

Vs.

Velusamy

..Respondent

**PRAYER:**

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order of the District Munsif cum Judicial Magistrate Court at Paramathi, dated 19.08.2015 in Memo in IA.Nos.595 of 2015 in OS.No.128 of 2015.

For Petitioner : Mr.P.Valliappan

For Respondent : Mr.V.R.Arun Karthik  
for Mr.C.Jagadish

**COMMON ORDER**

This Civil Revision Petitions are filed against the fair and decreetal order of the District Munsif cum Judicial Magistrate Court at Paramathi, dated 09.09.2015 in IA.No.632 of 2015 in IA.Nos.594 & 595 of 2015 in OS.No.128 of 2015 and the order of the District Munsif cum Judicial Magistrate Court at Paramathi, dated 19.08.2015 in Memo in IA.Nos.595 of 2015 in OS.No.128 of 2015.

2. In both the civil revision petitions, the petitioner is the plaintiff. He filed suit for injunction as against the respondent. While pending the suit, at the instance of the petitioner, Advocate Commissioner was appointed to inspect the suit property and note

down its physical features. Thereafter, he returned his warrant and filed vakalat on behalf of the respondent herein. Further, the trial court also appointed new Advocate Commissioner to inspect the suit property to note down its physical features. Challenging the same, the petitioner filed petition to set aside the order passed in the memo filed by the Advocate Commissioner as well as to set aside the appointment of new Advocate Commissioner. Both the petitions were dismissed. Aggrieved by the same, the present civil revision petitions have been filed.

3. The learned counsel for the petitioner would submit that when the Advocate Commissioner inspected the suit property, the pipeline laid by the petitioner was intact. After returning his warrant of appointment of Advocate Commissioner, the respondent removed the pipeline. The Advocate Commissioner also returned his warrant and filed vakalat on behalf of the respondent by the memo dated 19.08.2015. Thereafter, a new Advocate Commissioner was appointed to inspect the suit property and note down its physical features. At the time of inspection of the suit property, the pipeline was very much intact and only to disprove the case of the petitioner, he returned his warrant and also filed vakalat on behalf of the respondent herein.

4. On perusal of the order dated 09.09.2015, revealed that if

the petitioner challenges the conduct of the Advocate Commissioner, he can very well approach the Bar Council of Tamil Nadu as against the Advocate Commissioner in the manner known to law. However, new Advocate Commissioner was appointed and he can very well inspect the suit property. If the earlier Advocate Commissioner is directed to file any report on the inspection made by him, no purpose would be served since subsequently he filed vakalat on behalf of the respondent herein. Therefore, this Court finds no infirmity or illegality in the orders passed by the court below.

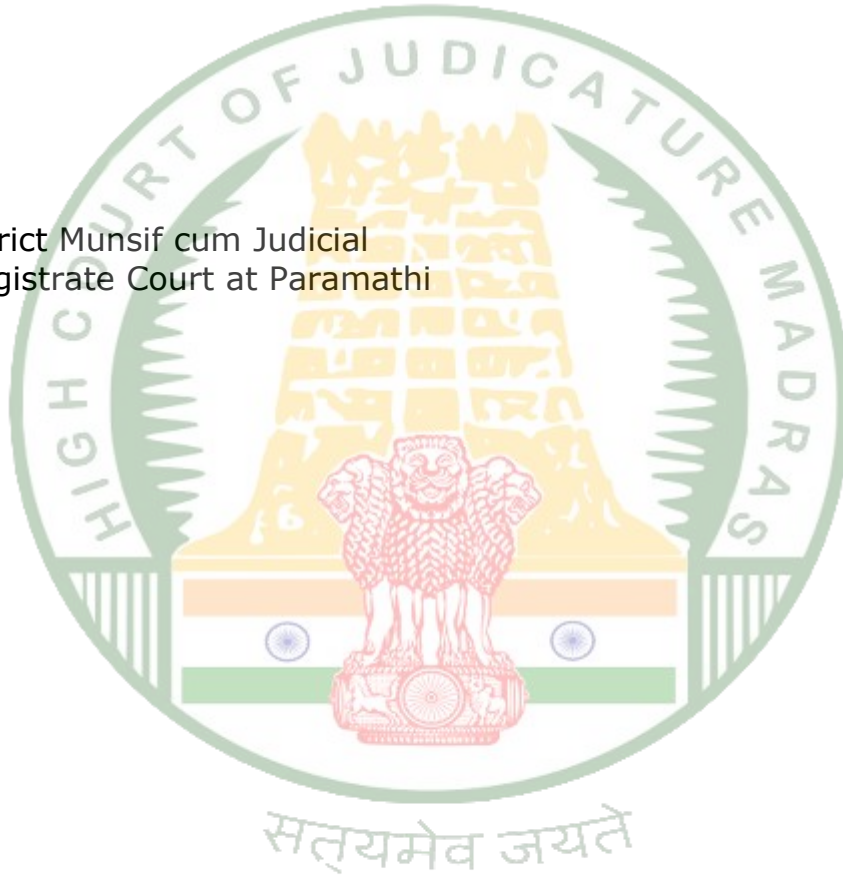
5. Accordingly, the civil revision petitions are dismissed. However, the petitioner is at liberty to approach Bar Council of Tamil Nadu for taking appropriate action as against the said Advocate Commissioner in the manner known to law. Consequently, connected miscellaneous petition is closed. No order as to costs.

27.01.2021

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

To

The District Munsif cum Judicial  
Magistrate Court at Paramathi



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

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CRP.PD.Nos.2264 & 3054 of 2016

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27.01.2021