

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

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

CRP.PD.No.2398 of 2018
and CMP.No.14791 of 2018

P.Ganapathy
S/o. Periyana Gounder

...Petitioner/Respondent/Plaintiff

Vs.

S.Palanivel
S/o. N.Samiyappa Gounder

...Respondent/Respondent/Defendant

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal Order passed in I.A.No.85 of 2018 in O.S.No.386 of 2016 dated 5.3.2018 on the file of the 1st Addl District Munsif of Erode.

For Petitioner : Mr. V.S.Kesavan

For Respondent : M/s. R.Shase
for Mr.M.Guruprasad

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal Order in I.A.No.85 of 2018 in O.S.No.386 of 2016 dated 05.03.2018 passed by the learned 1st Additional District Munsif, Erode, filed by the respondent seeking for appointment of Advocate Commissioner.

2. The petitioner is the plaintiff and the respondent is the defendant in O.S.No.386 of 2016. The petitioner filed the suit for permanent injunction restraining the respondent from interfering with his right on taking water through the pipe line. While pending suit, the petitioner filed a petition for appointment of Advocate Commissioner and the same was allowed and that the Advocate Commissioner inspected the suit property and also filed his report. Thereafter the respondent also filed an application in I.A.No.85 of 2018 for appointment of Advocate Commissioner to note down the physical features in and around the suit property with the help of a qualified Surveyor and to inspect the suit property relating to the dispute of the parties regarding the existence of pipeline, along with measurement for elucidating disputes between the parties and the same was allowed. Against which, the present revision petition has been filed.

3. When the matter is taken up today, the learned Counsels would submit that the Advocate Commissioner has already inspected the suit property and filed his report and the trial has also commenced and that the petition for appointment of Advocate Commissioner in I.A.No.85 of 2018 has also been closed before the trial Court. Therefore, nothing survives in this civil revision petition for further adjudication.

4. Accordingly, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs. However, the petitioner is at liberty to file objections, if any, with regard to the Advocate Commissioner's report.

22.06.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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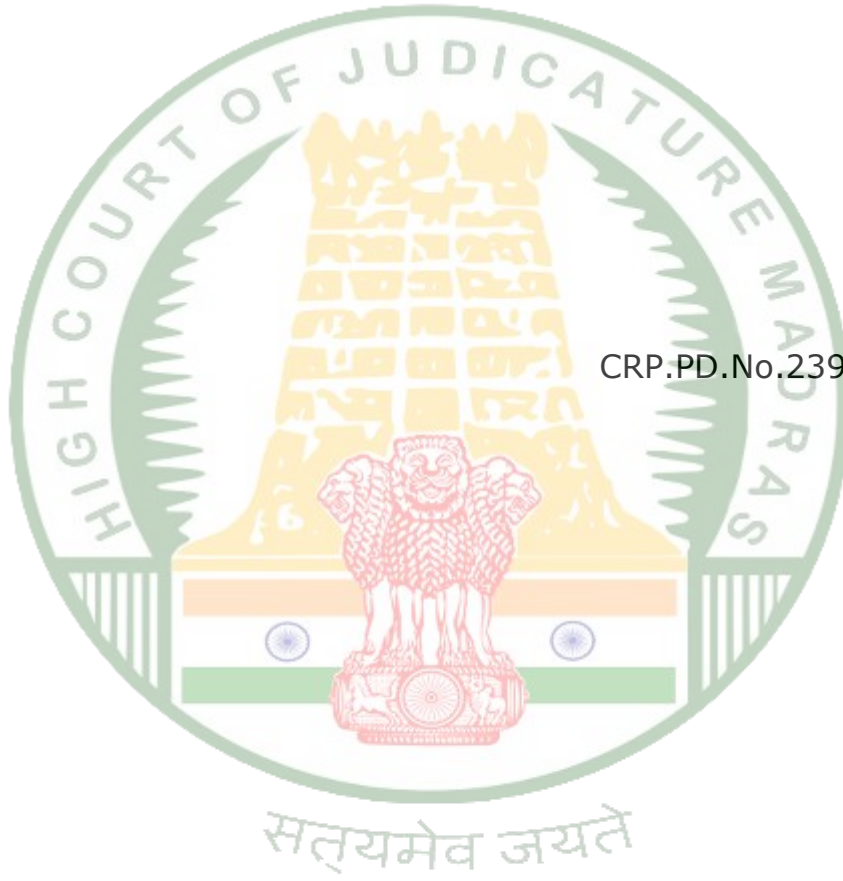
To

The 1st Additional District Munsif
Erode.

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G.K.ILANTHIRAIYAN,J.

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