

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**CRP (PD).No.2764 of 2018
and
CMP.No.16204 of 2020**

1. G.Senthil
2. R.G.Govindha Raju

... Petitioners

Vs.

1. Palaniswamy
2. Janaki
3. Saravanan
4. Palaniswamy
5. Poongkodi
6. Mohan
7. Rathiammal
8. Nachimuthu Gounder

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 10.04.2018 passed by the learned Principal District Munsif, Bhavani in I.A.No.1463 of 2017 in O.S.No.375 of 2017 to extend directing the Advocate Commissioner to measure the suit property with help of the Taluk Surveyor.

For Petitioners : Mr.Sriram for
Mr. L.Mouli

For Respondents : Notice Served (No Appearance)
(for R-1 to R-7)
Mr.S.Lakshmanasamy (for R-8)

ORDER

This Civil Revision Petition is filed as against the fair and final order passed in I.A.No.1463 of 2017 in O.S.No.375 of 2017 dated 10.04.2018 on the file of the learned Principal District Munsif, Bhavani, thereby allowing the petition seeking appointment of an Advocate Commissioner.

2. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed a suit for permanent injunction in respect of the suit properties. While pending the suit, the petitioners filed a petition seeking appointment of Advocate Commissioner. The respondents filed a counter and stated no objection and thereby, they sought for measurement of the property with the help of Surveyor. The only grounds raised by the petitioners herein is that the Advocate Commissioner was sought to be appointed only to inspect the suit property and note down the physical

features and not to measure the suit property. When the Advocate Commissioner was appointed to inspect the suit property, no prejudice would be caused to the petitioners herein if the same is measured with the help of Surveyor. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

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

22.07.2021

Speaking/Non-speaking order
Index : Yes/No
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To

1. The Principal District Munsif, Bhavani.
2. The Section Officer,
V.R. Section, High Court of Madras.

G.K.ILANTHIRAIYAN,J.



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