

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

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

C.R.P.(PD)No.2904 of 2018
and C.M.P.No.16986 of 2018

Ganesan

.... Petitioner

Vs.

1. Marayee

2. Sivaperumal

3. Periyasamy

4. Jayakodi

5. Manivel

(Respondents 3 to 5 are only formal parties and no relief is claimed against them and hence given up)

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 20.06.2018 made in I.A.No.768 of 2016 in O.S.No.141 of 2016 on the file of the District Munsif Court, Attur.

For Petitioner : Mr.A.E.Ravichandran

For Respondents

For R21 & R2 : Ms.Jeenath

For Mr.K.R.Samaratt

R3 to R5 : Given up

ORDER

This Civil Revision Petition is directed as against the fair and decreetal order dated 20.06.2018 passed by the learned District Munsif, Attur in I.A.No.768 of 2016 in O.S.No.141 of 2016, thereby appointing an advocate commissioner.

2. The petitioner is the fourth defendant and the respondents 1 & 2 are the plaintiffs. The respondents 1 & 2 filed suit in O.S.No.141 of 2016 for declaration, permanent injunction and for recovery of possession. Along with the suit, they also filed petition in I.A.No.768 of 2016 seeking appointment of Advocate Commissioner for the purpose to localize and identify the suit properties and measure the suit properties and also fix the four boundaries by the help of the qualified surveyor and also specifically fix the boundary line in between the S.No.146/37 and S.No.146/18 and 146/19 and also to direct the Advocate Commissioner to note down the physical feature of the suit property and other salient features of the suit properties and file a report with rough plan along with drawn to scale plan given by the surveyor. The trial Court allowed the said petition as prayed

for. Aggrieved by the same, the petitioner filed this present Civil Revision Petition.

3. The Advocate Commissioner can be appointed to inspect the suit property and to note down the physical feature. When the suit was filed for declaration and recovery of possession, the Advocate Commissioner cannot be appointed for the purpose of identifying the suit property and to demark the suit property. Therefore the order dated 20.06.2018 passed by the learned District Munsif, Attur in I.A.No.768 of 2016 in O.S.No.141 of 2016, is hereby modified that the warrant of Advocate Commissioner is restricted only to inspect the suit property and to note down the physical feature and other salient feature of the suit property and to file report along with rough plan and sketch.

4. With the above directions, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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

G.K.ILANTHIRAIYAN, J.

rts

To

1. The District Munsif,
Attur.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.



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