

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

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

CRP.PD.No.2432 of 2017

and

CMP.Nos.11484 and 14639 of 2017

K.N.Muthusamy

... Petitioner

Vs.

1. Palanisamy

2. Balasubramanian

3. Palaniyammal

4. Gnanasowndary

5. Oor Pannadi Nanjappa Gounder

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and final order dated 03.06.2017 in I.A.No.2 of 2016 in I.A.No.321 of 2009 in O.S.No.79 of 2009 on the file of District Munsif Court, Gobichettipalayam.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.K.Mukund Rao (for R1 to R4)

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.2 of 2016 in I.A.No.321 of 2009 in O.S.No.79 of 2009 dated 03.06.2017 on the file of the learned District Munsif, Gobichettipalayam, thereby, appointing the Advocate Commissioner to re-visit the suit property and to note down the physical features.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed the suit for declaration and demarcate the boundary line between R.S.F.Nos.95/2 and 95/1, Alukkuli Village, Gobichettipalayam Taluk and also for permanent injunction. At the instance of the petitioner, already an Advocate Commissioner was appointed and he inspected the suit property and filed his report in I.A.No.321 of 2009. The respondents filed a petition for re-appointment of Advocate Commissioner, that too re-open the Advocate Commissioner's application and requested to re-issue of warrant for re-inspection of the suit property.

3. On a perusal of the affidavit filed in support of the petition, it reveals that, after obtaining interim injunction in the main suit, the

petitioner damaged the ridges of the respondents' land. He also obstructed by putting up steel gate in the pathway. Admittedly, the petitioner did not file any objections to the earlier Advocate Commissioner's report and accepted the same. Now, the case of the petitioner is that, after inspection made by the earlier Advocate Commissioner, the petitioner damaged the ridges of the respondents and also put up a new gate. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. The learned Advocate Commissioner is directed to file a report after inspection, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, on receipt of the same, the Court below is directed to dispose of the suit within a period of six months. Consequently, the connected Miscellaneous Petitions are closed. No costs.

सत्यमेव जयते

18.03.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

Kv

To

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



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