

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD).No.3049 of 2018
and C.M.P.No.17694 of 2018

1.Anan
2.Ramalingam

.... Petitioners

Vs

1.Karuppannan
2.Maliammal
3.Murugan

.... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and final order passed in I.A.No.1218 of 2017 in O.S.No.224 of 2012 on the file of District Munsif Court, Sankari dated 09.02.2018.

For Petitioners : Mr.Arun for M/s.A.Sundaravadhanan

For Respondents : Notice Served No Appearance

ORDER

The Civil Revision Petition is filed against the fair and final order passed in I.A.No.1218 of 2017 in O.S.No.224 of 2012 on the file of District Munsif Court, Sankari dated 09.02.2018, thereby dismissing the petition for re-issuance of warrant for the appointment of 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 property. While pending the suit, the petitioners filed a petition for appointment of an Advocate Commissioner to note down the physical features of the suit property.

3. In the suit for permanent injunction, the Court below appointed an Advocate Commissioner. The Advocate Commissioner inspected the suit property and filed his report as early as on 07.11.2013. Thereafter, according to the petitioners, the respondents damaged the suit property and also encroached some portion of the suit property. Therefore, the petitioners filed petition to re-issuance of warrant to the Advocate

Commissioner for re-inspection of the suit property. When the damage and encroachment caused by the respondents to the petitioners ought to have amend the suit prayer for mandatory injunction as against the respondents.

4. Admittedly, the petitioners failed to file any petition to amend the prayer and for a very long period from the date of earlier Advocate Commissioner report, the present petition has been filed to re-issuance of warrant of the Advocate Commissioner for fresh petition of the suit property. Therefore, the trial Court rightly dismissed the petition and this Court finds no infirmity or illegality in the orders passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No order as to costs.

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30.06.2021

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

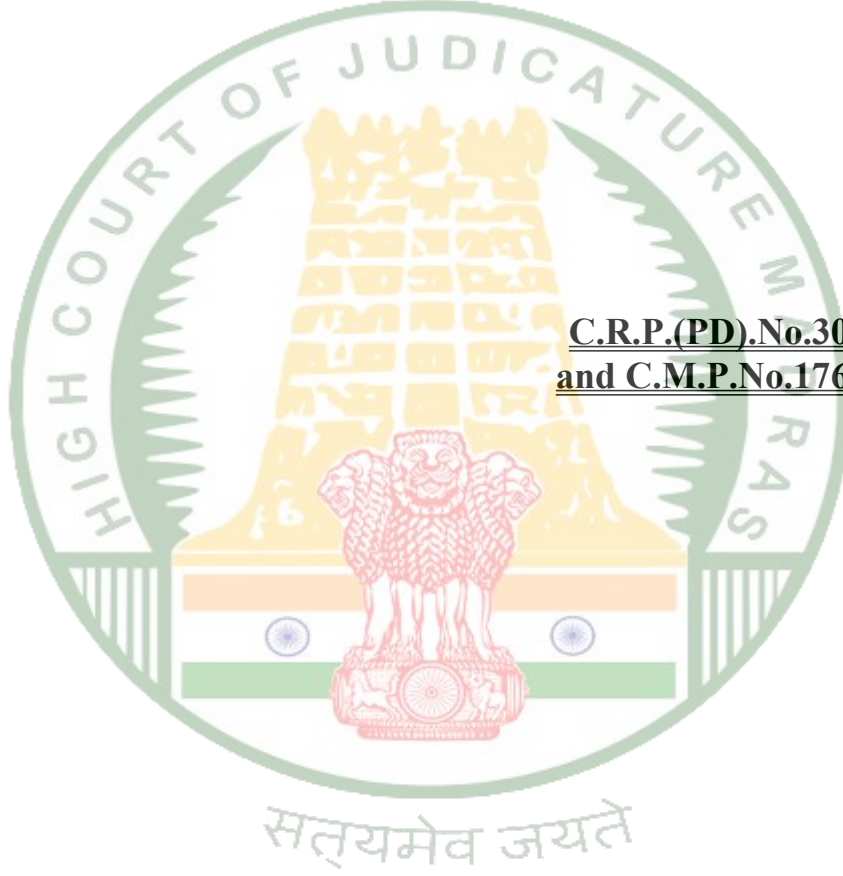
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G.K.ILANTHIRAIYAN. J.

rna

To

The District Munsif Court,
Sankari.



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