

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

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

C.R.P.(PD) No. 3687 of 2018

and

CMP No.20539 of 2018

1. Thangavel
2. Kuppusamy
3. Veerasamy
4. R.Muruges
5. Nallamuthu

..... Petitioners

Vs

1. Ganesh
2. Palanisamy
3. Subramani

..... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 28.03.2018 made in I.A.No.180 of 2018 in O.S.No.7 of 2018 on the file of the District Munsif Court, Kangayam.

For Petitioners : Mr.S.Saravanan
For R1 & R2 : Mr.V.Regunathan
For R3 : No appearance

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 28.03.2018 made in I.A.No.180 of 2018 in O.S.No.7 of 2018

on the file of the District Munsif Court, Kangayam, thereby dismissing the petition seeking appointment of Advocate Commissioner.

2. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed a suit in O.S.No.7 of 2018 for permanent injunction and also mandatory injunction to remove the encroachments which was the 'B' schedule property. On the applications filed by the petitioners already Advocate Commissioner was appointed and filed his report. While pending the suit, the petitioners filed another application for seeking appointment of Advocate Commissioner for the reason that the respondents had pull out one of the boundary stones situated in the eastern side of the 'B' schedule property which demarcate, with intention to encroach upon the 'B' schedule cart track.

3. Admittedly, already the Advocate Commissioner was appointed and sketch and plan were marked as Exs. C1 and C2. That apart, the Sub Inspector of Kangayam Police Station submitted a report which was marked as Ex.R2 reveals that already the suit property along

with the respondents' property were surveyed by the revenue officials.
Therefore, the Court below rightly dismissed the petition.

4. In view of the above, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, the Civil Revision Petition stands dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.

28.07.2021

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Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

To

1. The District Munsif,
Kangayam.

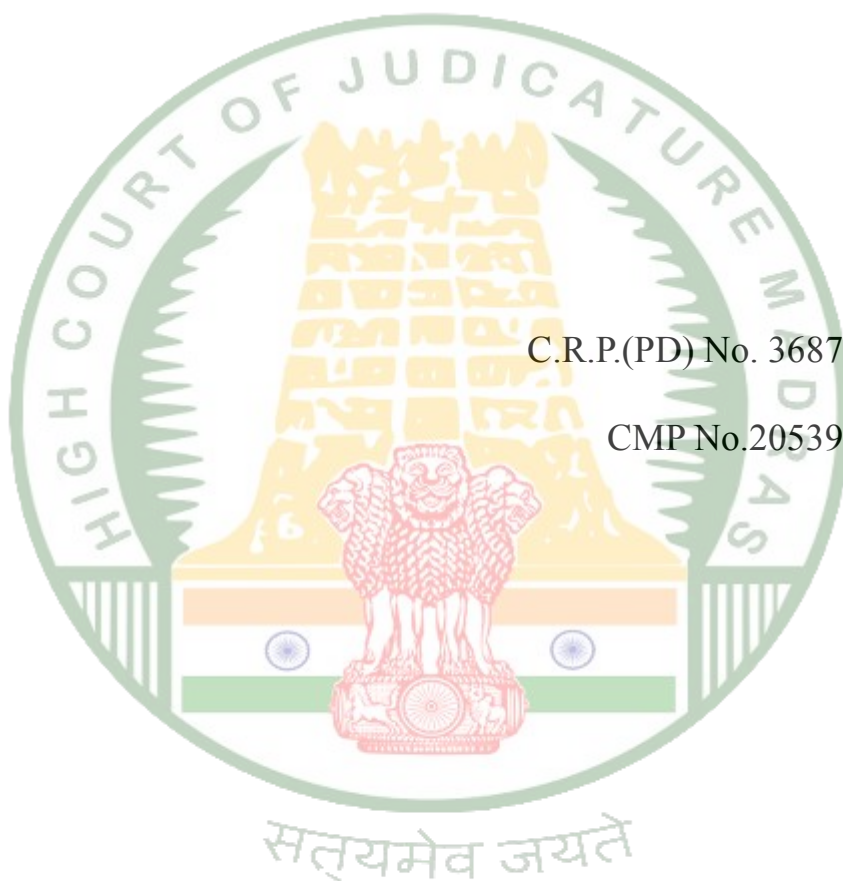
2. The Section Officer,
V.R.Section, High Court, Madras.

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C.R.P. (PD) No.3687 of 2018

G.K.ILANTHIRAIYAN.J,

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