

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

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

C.R.P.(PD)No.3115 of 2018
and C.M.P.No.17949 of 2018

Govindasamy ... Petitioner

Vs.

Raman ... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 06.06.2018 made in I.A.No.184 of 2018 in O.S.No.38 of 2016 on the filed of the Additional District Munsif Court, Tiruvannamalai.

For Petitioner : Mr.B.Jawahar

For Respondent : Not ready in notice

ORDER

This Civil Revision Petition is directed as against the fair and decreetal order dated 06.06.2018 passed by the learned Additional District Munsif, Tiruvannamalai, in I.A.No.184 of 2018 in O.S.No.38 of 2016, thereby dismissing the petition to remeasure the suit property by the Advocate Commissioner.

2. The petitioner is the defendant and the respondent is the plaintiff. The respondent filed suit in O.S.No.38 of 2016 for bare injunction and also delivery of possession. While pending the suit, the respondent filed petition in I.A.No.75 of 2016 to appoint an Advocate Commissioner and the same was allowed. Accordingly, the Advocate Commissioner inspected the suit property and filed his report. Thereafter, the petitioner being a defendant again filed the petition in I.A.No.184 of 2018 to direct the Advocate Commissioner to remeasure the suit property. The Court below dismissed the said petition, as against which the present Civil Revision Petition.

3. It is seen from the record, the petitioner averred that earlier the Advocate Commissioner inspected the suit property based on the sale deed produced by the respondent herein. Further stated that the petitioner's father purchased a portion of the property in the same survey number and therefore, it is just and necessary to direct the Advocate Commissioner to reinspect and remeasure the suit property.

4. Admittedly, the petitioner did not raise any objection to the earlier Advocate Commissioner's report. Without raising any objection to the earlier Advocate Commissioner's report, the petitioner now filed the petition to inspect the very same property. That apart without scarping the earlier advocate commissioner's report, another report cannot be filed. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below. However, the petitioner is at liberty to file objection before the Court below, within a period of two weeks from the date of receipt of copy of this Order.

5. Accordingly, the Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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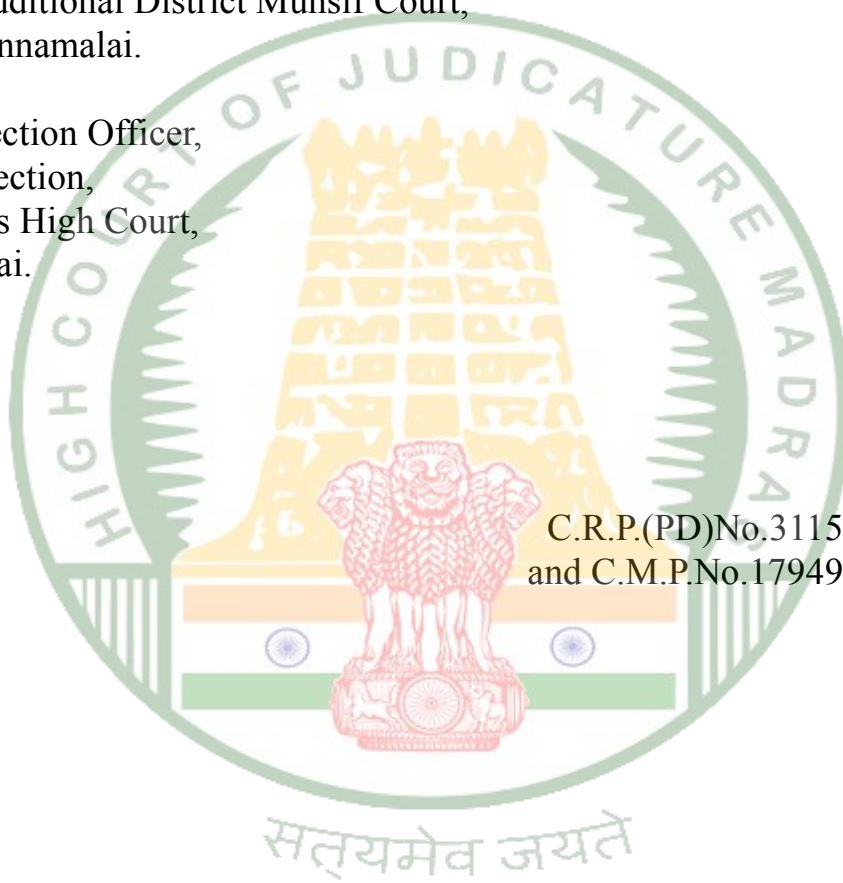
C.R.P.(PD)No.3115 of 2018

G.K.ILANTHIRAIYAN, J.

rts

To

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



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