

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.07.2021**

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.3279 of 2018
and C.M.P.No.18593 of 2018

Murugan @ Murugapillai Petitioner

Vs

1.Kamatchiammal
2.Vellikan @ Vallikan
3.Arjunan
4.Kumar

..... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decreeal Order dated 18.07.2018 passed in I.A.No.388 of 2018 in O.S.No.93 of 2014 passed by the Additional District Munsif Judge at Cheyyar.

WEB COPY

For Petitioner : Mr.G.Somasekar

For Respondents : Mr.K.G.Senthil Kumar

ORDER

This Civil Revision Petition is filed against the Fair and Decreetal Order dated 18.07.2018 passed in I.A.No.388 of 2018 in O.S.No.93 of 2014 passed by the Additional District Munsif, Cheyyar, thereby dismissing the application seeking appointment of an Advocate Commissioner.

2. The petitioner is the plaintiff and the respondents are the defendants in the said suit. The petitioner filed the said suit for declaration, for recovery of possession and for a permanent injunction.

3. Along with the suit, the petitioner filed an application in I.A.No.366 of 2014 seeking appointment of an Advocate Commissioner. Though the Advocate Commissioner was appointed to inspect the suit property with the help of surveyor to survey the property, the petitioner failed to execute the order of appointment of Advocate Commissioner to inspect the suit property. Therefore, the application in I.A.No.366 of 2014 was dismissed on 02.02.2018. Now the petitioner filed the present application again seeking appointment of an Advocate Commissioner.

4. Considering the above, the Order dated 18.07.2018 passed in I.A.No.388 of 2018 in O.S.No.93 of 2014 passed by the Additional District Munsif, Cheyyar is set aside. After appointment of an Advocate Commissioner, the Advocate Commissioner is directed to file a report in the said suit within a period of **eight weeks** thereafter. If the petitioner or the respondents fail to cooperate to inspect and measure the property, the Court below is directed to close the present application and proceed with the trial.

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

12.07.2021

Internet: Yes

Index: Yes/No

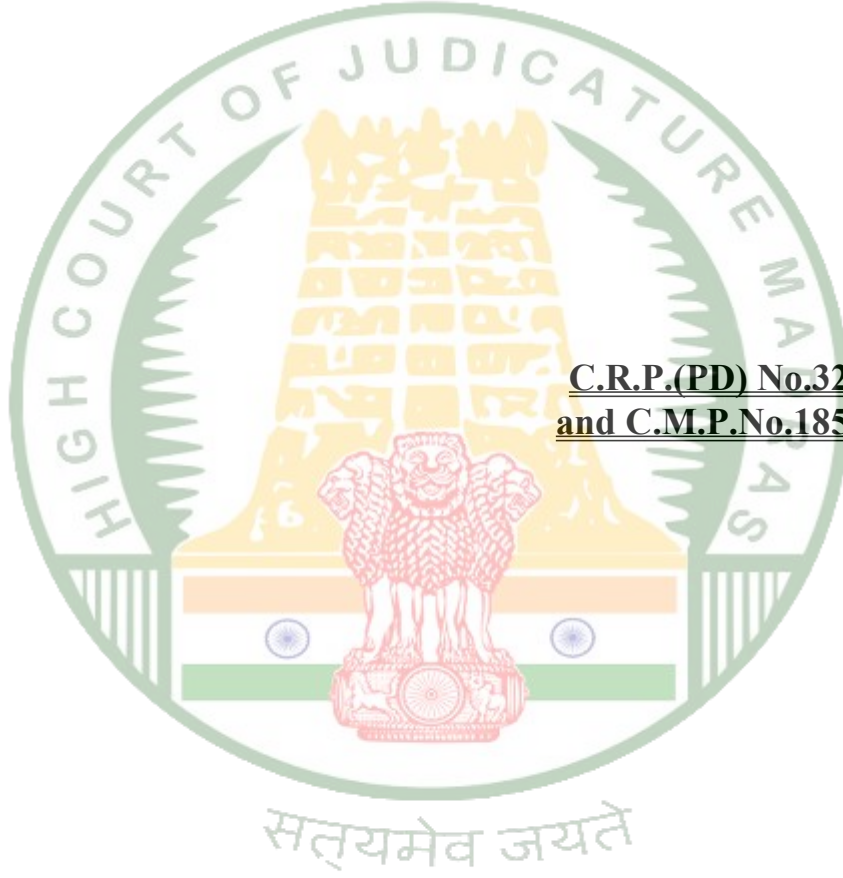
Speaking/Non speaking order
rna

To

The Additional District Munsif Judge,
Cheyyar.

G.K.ILANTHIRAIYAN. J,

rna



C.R.P.(PD) No.3279 of 2018
and C.M.P.No.18593 of 2018

WEB COPY

12.07.2021