

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

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

C.R.P (PD) No.3709 of 2018

Narasappan

... Petitioner

Vs.

1. Shanmugasundaram

2. Rajammal

3. Soundiravalli

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 19.08.2017 in I.A.No.295 of 2016 in O.S.No.32 of 2016 on the file of the District Munsif Court, Mettur.

For Petitioner : Mr.Guruprasad M.

For Respondents : Mr.S.R.Shenbaga Baabu

ORDER

This Civil Revision Petition is directed against the fair and decretal order passed in I.A.No.295 of 2016 in O.S.No.32 of 2016 dated 19.08.2017 on the file of the learned District Munsif, Mettur, thereby allowing the petition for appointment of Advocate Commissioner.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed the suit for declaration to declare the petitioner's title over the 2nd item of the suit property by way of adverse possession and also prayed for permanent injunction as against the respondents. While pending the suit, the respondents filed a petition for appointment of Advocate Commissioner to inspect the suit property and to note down the physical features and also measure the suit property with the help of the Village Administrative Officer and qualified Surveyor.

3. The only contention raised by the petitioner is that without adding the first defendant, the second and third defendants claiming to be the purchaser of the suit property, filed a petition for appointment of Advocate Commissioner. This Court finds no merits in this Civil Revision Petition and also no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. However, if the Advocate Commissioner inspects the suit property, the Advocate Commissioner is directed to issue notice to the first defendant in the

main suit and in his presence, the Advocate Commissioner shall inspect the suit property and file his report as directed by the Court below. No costs.

21.06.2021

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Index :Yes/No
Internet : Yes/No
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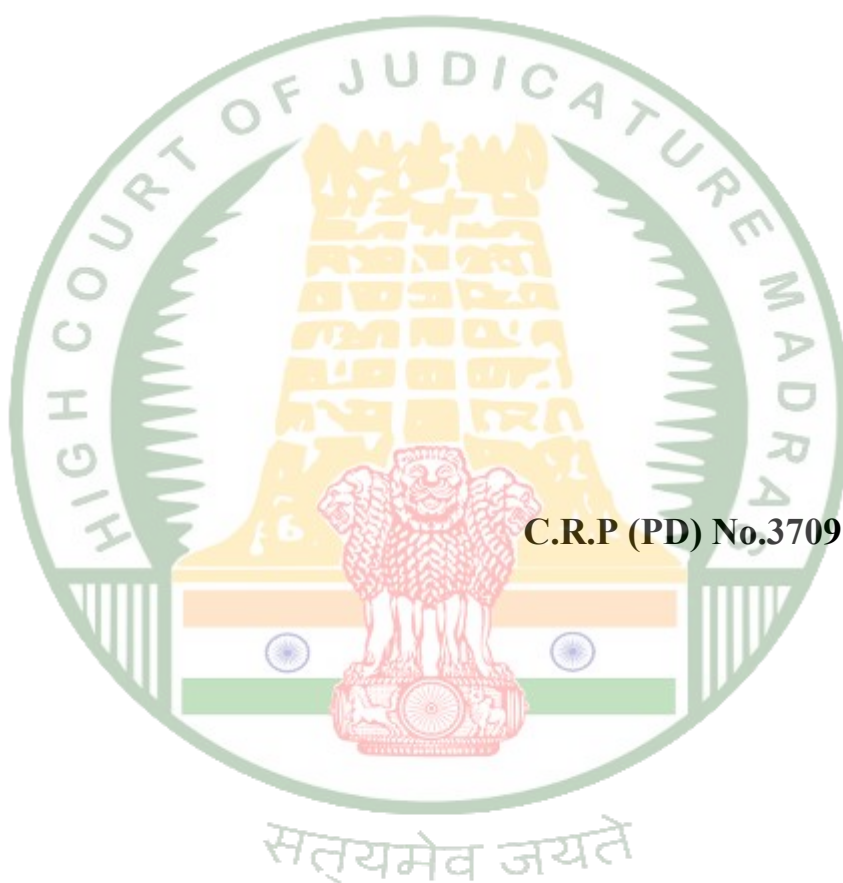
1. The District Munsif, Mettur.
2. The Section Officer,
V.R. Section, High Court of Madras.



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G.K.ILANTHIRAIYAN,J.

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