



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (MD) .No.245 of 2021

WEB COPY

1.Arumugam
2.Nambi

.. petitioners/ plaintiffs

Vs.

S. Paramasivam

.. Respondent / defendant

Prayer: This Civil Revision Petition is filed under article 227 of the Constitution of India against the order dated 19.03.2020 made in I.A.No.1 of 2019 in O.S.No.168 of 2015 on the file of the Principal District Munsif Court, Valliyoor.

For Petitioners : Mr. G. Aravinthan
For respondent : Mr. E.V.N. Siva

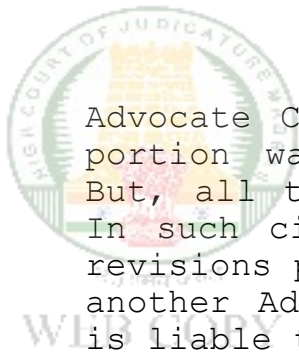
ORDER

This Civil Revision Petition has been filed against the order, dated 19.03.2020 made in I.A.No.1 of 2019 in O.S.No.168 of 2015, on the file of the Principal District Munsif Court, Valliyoor.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The revision petitioners, who are the plaintiffs, have filed a suit in O.S.No.168 of 2015, on the file of the Principal District Munsif Court, Valliyoor, seeking for the relief of declaration and recovery of possession. Pending suit, they have filed an application in I.A.No.120 of 2016, for appointment of Advocate Commissioner and the same was allowed. The Commissioner has inspected the suit property and measured the same with the help of Surveyor and he has also filed the report. Both the plaintiffs and the defendant properties were measured and the measurements were also given in the Commissioner's report. The petitioners / plaintiffs filed objections to the Commissioner's report also.

4. As per the Commissioner's report, he measured the property with the help of Field Map and also with the help of documents. The revision petitioners / plaintiffs have not filed any petition to scrap the previous Commissioner's report. They simply filed an application in I.A.No. 1 of 2019 to appoint another



Advocate Commissioner and their objection is that the encroached portion was not clearly described in the Commissioner's report. But, all the measurements were given in the Commissioner's report. In such circumstances, without scrapping the previous report, the revisions petitioners / plaintiffs cannot seek for appointment of an another Advocate Commissioner and the hence, the revision petition is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed.
No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

The Principal District Munsif Judge, Valliyoor.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-29220[F] dated 15/09/2021)

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