



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

**Wednesday, the Twenty Second day of December Two Thousand and
Twenty One**

WEB COPY

PRESENT

**The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN
CMP (MD) . No.11100 of 2021
in
SA (MD) .No.556 of 2020**

Veeranan

... Petitioner/Petitioner

Vs

R.Narasiman

... Respondent/Respondent

Prayer :-

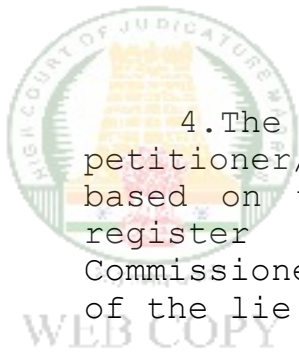
Petition filed under Order 26 Rule 9 of C.P.C. to pass an order of APPOINTMENT OF COMMISSIONER and re-issue the warrant to visit and measure the property scheduled in the petition in accordance with the title deeds of the both parties, the revenue records before town survey register and after town survey register with the aid of Taluk Surveyor and thus render justice.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru. D.Nallathambi, Advocate for the Petitioner , this Court made the following order:

This petition has been filed to appoint an Advocate Commissioner and re-issue the warrant to visit and measure the property scheduled in the petition in accordance with the title deeds of both the parties, the revenue records before the Town Survey register and after Town Survey register with the aid of Taluk Surveyor.

2.The respondent / plaintiff has filed the present Second Appeal, challenging the Judgment and Decree, dated 13.12.2019 passed in A.S.No.55 of 2019 on the file of the Sub Court, Melur, confirming the Judgment and Decree, dated 22.09.2017 passed in O.S.No.450 of 2012 on the file of the District Munsif Court, Melur.

3.The learned counsel appearing for the petitioner/plaintiff submitted that pending the Appeal Suit, the first Appellate Court appointed an Advocate Commissioner and the Advocate Commissioner filed his detailed report and plan, which was marked as Exs.C.1 to C.3.



4.The main contention of the learned counsel appearing for the petitioner/plaintiff that the Commissioner measured the property based on the revenue records only with the help of Town survey register and not in accordance with the title deeds. The Commissioner also failed to note down some of the physical features of the lie and location of the property.

5.Heard the learned counsel for the petitioner as well as the learned counsel for the respondent and perused the materials available on record.

6. Since there is a dispute with regard to the identity of the property in question, this Court finds it appropriate to appoint an Advocate Commissioner so as to inspect and file a report before this Court for passing further orders.

7. Accordingly, Mr.B.Naresh, Advocate [**Enrollment No.2593 of 2019, C/o.Mr.J.Bharathan, No.7, Law Chamber, Madurai Bench of Madras High Court, Madurai, Mobile No.7010698889**], is appointed as an Advocate Commissioner to visit and find out the physical features of the suit property and location of the said property.

8. The Advocate Commissioner shall measure the property scheduled in the petition in accordance with the title deeds of both the parties, the revenue records before the Town Survey register and after Town Survey register with the aid of Taluk Surveyor, with the assistance of the local Surveyor and the Village Administrative Officer, after issuing notice to all the parties and their respective counsel by fixing the date and time of inspection of the suit property on or before 17.01.2022. The Advocate Commissioner shall be paid a sum of Rs.10,000/- (Rupees Ten Thousand Only), towards his remuneration, by the petitioner. Apart from that, the petitioner / appellant shall also arrange for the conveyance and other incidental expenses.

9. The Advocate Commissioner, after noting down the physical features of the suit property, shall file his report along with a sketch before this Court on or before 20.01.2022 and this petition is ordered as above.

10. Post the matter on **20.01.2022**.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



TO

MR.B.NARESH ,ADVOCATE (ENROLMENT NO.2593 OF 2019)
C/O. Mr. J.Bharathan ,No.7, Law chamber,
Madurai Bench of Madras High Court, Madurai.
Mobile .No.7010698889

ORDER DATED : 22/12/2021

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ORDER

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CMP (MD) . No.11100 of 2021
in
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Giving direction and etc.
as stated within.

RD(30.12.2021) 3P 2C