



C.R.P.(PD) No.1369 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM : JUSTICE **N.SESHASAYEE**

C.R.P.(PD) No.1369 of 2020
and CMP.No.7871 of 2020

Elamvazhuthi

... Petitioner / Plaintiff / Petitioner

Vs.

1.Selvi

2.Ponnusamy

... Respondents / Defendants / Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 10.02.2020 in I.A.No.1 of 2020 in O.S.No.206 of 2017 of the file of I Additional District Munsif Court, Salem.

For Petitioner : Mr.R.Vivekanandan
for Mr.R.Subramanian

For Respondents : Mr.T.S.Vijaya Raghavan



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ORDER

The revision petitioner is the plaintiff in a suit in O.S.No.206 of 2017 on the file of I Additional District Munsif Court, Salem, filed for recovery of property and possession. In that suit, the plaintiff has taken out an application in I.A.No.1 of 2020 for appointing a Commission for local inspection and for earmarking the area. This application came to be dismissed. Challenging the same, the present revision is filed.

2. Heard Mr.R.Vivekanandan, learned counsel for the revision petitioner and Mr.T.S.Vijaya Raghavan for the respondents.

3. After hearing the counsels on either side and also perusing the impugned order, this Court is satisfied that in a case of this nature, appointing a Commission will be of considerable convenience to the Court, and therefore, this Court chooses to set aside the order in I.A.No.1/2020, and directs appointment of Commission.



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4. The trial Court is now required to appoint an Advocate practising on the civil side, and also is regular in his appearance before the civil Court, as a Commissioner and also to fix his remuneration. The Commissioner may take the help of the surveyor for the purpose.

5. Both sides are permitted to approach the trial Court with their list of points which the Commissioner may have to look into.

6. The revision is accordingly disposed of. Since the suit is pending for about five years now, the trial Court is now required to dispose of the matter within a period of six months from the date of communication of the order. No costs. Consequently, connected miscellaneous petition is closed.

16.03.2022

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

ds

Note : Issue order copy 23.03.2022



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N.SESHASAYEE.J.,

ds

To:

The I Additional District Munsif
Salem.

2020

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