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C.R.P.(NPD) No.1771 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **06.06.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1771 of 2022

1.Sumithra
2.Murugan
3.Kumar
4.Selvam
5.Danalatchumy @ Gunasundari
6.Sambavathy
7.Rani
8.Vasanthi
9.Sumathi

... Petitioners

Vs.

Vaithilingam

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal order of the learned Principal Sub Judge, Puducherry, dated 02.03.2022 made in I.A.No.866 of 2021 in O.S.No.81 of 2013.

For Petitioners : Ms.G.Sumitra

ORDER

This Civil Revision Petition has been filed challenging the order of the learned Principal Sub Judge, Puducherry dated 02.03.2022 made in I.A.No.866 of 2021 in O.S.No.81 of 2013.



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2. The petitioners are the defendants in the suit. The respondent is the plaintiff and he has filed a petition in I.A.No.866 of 2021 for appointment of an Advocate Commissioner to inspect the suit property and measure the same with the help of a Surveyor from the Taluk Office of Villinaur and file a report.

3.The learned counsel for the petitioners submitted that there is no necessity to identify the property, since the description of the property in the sale deed clearly states about the Survey Number of the property which was intended to be sold.

4.The parties before the suit appears to have made allegation about the Survey Number and their respective entitlement.

5.In such view of the matter, the learned trial Judge thought it fit to appoint an Advocate Commissioner for visiting the suit property and measure the same after identifying the Survey Numbers within the four boundaries, as mentioned in the sale deed.



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6.The report of an Advocate Commissioner would be helpful in getting clarification about the matter and that might directly or incidently affect the suit. By appointing an Advocate Commissioner, the revision petitioners will not be aggrieved in any manner. Since the order of the learned trial Judge is to appoint an Advocate Commissioner that does not cause any prejudice to the petitioners, I do not find any ground for interference in the order passed by the learned Principal Sub Judge, Puducherry.

7. Hence, the Civil Revision Petition is dismissed and the Fair and Decretal Order passed in I.A.No.866 of 2021 in O.S.No.81 of 2013 dated 02.03.2022 on the file of the learned Principal Sub Judge, Puducherry is hereby confirmed. No Costs.

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Index : Yes/No
Speaking Order : Yes / No
vkr



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R.N.MANJULA, J.,

vkr

To

- 1.The Principal Sub Judge,
Puducherry.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.

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