



C.R.P.No.2061 of 2020
and C.M.P.No.12967 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM:

THE HONOURABLE **MRS.JUSTICE R. HEMALATHA**

C.R.P.No.2061 of 2020
and
C.M.P.No.12967 of 2020

Poomalai

... Petitioner

..Vs..

1.Sannasi
2.Thangavel
3.Periyathambi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal orders dated 05.02.2014 in I.A.No.1124 of 2010 in O.S.No.333 of 2010 on the file of the District Munsif Court, Attur.

For Petitioner : Mr.L.Mouli

For Respondents : Mr.G.R.Sreemagal for
Mr.Muthu Krishnan

ORDER

The present petition has been filed challenging the orders passed in I.A.No.1124 of 2010 in O.S.No.333 of 2010 on the file of the



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2.The revision petitioner filed an application in I.A.No.1124 of 2010 under Order XXVI Rule 9 CPC to appoint an Advocate Commissioner to inspect the suit property and also to measure the same with the help of a taluk surveyor. The learned District Munsif Court, Attur, allowed the said petition vide her orders dated 05.02.2014 and directed the Advocate Commissioner to inspect the suit property and to file his report and plan. He did not direct the Advocate Commissioner to measure the suit property with the help of a taluk surveyor.

3.A perusal of the affidavit filed in support of the petition in I.A.No.1124 of 2010 shows that the revision petitioner had sought for measuring the petition mentioned property with the help of a qualified taluk surveyor. The learned District Munsif, Attur, did not state that the measurement of the petition mentioned property is not necessary for the purpose of arriving at a just decision in the case. On the contrary, he has merely allowed the application and directed the Advocate Commissioner to measure the property and file his report.



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4.Mr.L.Mouli, learned counsel for the revision petitioner would contend that when the mistake was pointed out to the Presiding Officer the learned Presiding Officer contended that since the order had already pronounced it cannot be corrected. This was not refuted by the counsel for the respondents.

5.In the circumstances, the revision petition is allowed and the Advocate Commissioner appointed by the trial Court is directed to inspect the suit property and also measure the same with the help of a qualified taluk surveyor and file his report and plan.

6.With the above directions, the Civil Revision Petition is allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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mtl

Index : Yes/No

Speaking / Non-speaking order



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R. HEMALATHA, J.

mtl

To

- 1.The District Munsif Court, Attur.
- 2.The Section Officer, VR Section, High Court, Madras.

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