



C.R.P.No.2658 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.2658 of 2022

and

C.M.P.No.13794 of 2022

1. Seerangan

2. Govindarajan

3. Thirunavukkarasu

... Petitioners

Vs.

Kandsamy Gounder

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair order and decreetal order dated 23.06.2022 passed by the learned Principal District Munsif, Salem in I.A.No.7 of 2022 in O.S.No.301 of 2021

For Petitioners : Mr.A.M.Amuthaganesh

For Respondent : Mr.R.Nalliyappan

ORDER

This Civil Revision Petition has been filed by the defendant in a suit for injunction challenging the order passed by the Court below appointing an Advocate



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Commissioner to note down the physical features and measure the suit property as well as property of the petitioner/defendant along with a qualified Surveyor so as to ascertain the boundary line in between.

2. The respondent herein filed a suit for bare injunction. The petitioner are the Southern neighbors of the respondent. According to the respondent when he tried to put up compound wall on his southern boundary, it was opposed by the petitioners and hence he was constrained to file a suit for bare injunction. Admittedly the parties are neighbors.

3. A perusal of the pleadings of the parties would suggest that the dispute between them revolves around fixation of dividing line between the properties of respective parties. By impugned order, the Court below appointed Advocate Commissioner to measure the properties of both the parties with the help of Surveyor and fix the boundary line in between. If the properties of the petitioner and respondent are measured with reference to the title deeds of respective parties, it may be easy for the Court to fix the boundary line and resolve the main controversy between the parties.



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4. Therefore appointment of Advocate Commissioner would certainly help the Court to decide the real controversy and also help to minimize the oral and documentary evidence. Apart from that if impugned order is allowed to stand, it will not cause any prejudice to the petitioner. Admittedly the trial has not yet commenced. Therefore, I do not find any illegality and irregularity in the order passed by the Court below. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index: Yes/ No
Speaking Order / Non-Speaking Order
jai

To

The learned Principal District Munsif,
Salem.



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S.SOUNTHAR, J.

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