



CRP No.4153 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-12-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CRP No.4153 of 2022

And

CMP No.21684 of 2022

Mr.D.Vadivel

.. Petitioner

vs.

1.Mr.C.Meilagan

2.Mr.C.Ramachandran

3.The Thasildar,
Salem West,
Sooramangalam,
Salem.

4.The Sub Inspector of Survey,
Salem West,
Sooramangalam,
Salem.

.. Respondents

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 25.08.2022

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made in IA No.2 of 2022 in OS No.460 of 2018 on the file of the I
Additional District Munsif Court at Salem.

For Petitioner : Ms.B.Raji

For Respondents 3 and 4: Mr.P.Harish,
Government Advocate (CS).

ORDER

The present Civil Revision Petition is filed challenging the fair and decretal order dated 25.08.2022 passed in IA No.2 of 2022 in OS No.460 of 2018 on the file of the I Additional District Munsif Court at Salem.

2. The revision petitioner is the plaintiff, who instituted the suit for mandatory injunction directing the defendants 3 and 4 to rectify the mistake in the measurement in the revenue records of the suit property.



3. The Interlocutory Application was filed to appoint an Advocate

Commissioner in order to establish and remove the confusion regarding the measurement in the revenue records of the suit schedule property.

4. The plaintiff, who instituted the suit should establish his case through documents, for the purpose of creating evidence, an Advocate Commissioner cannot be appointed. The plaintiff has to independently establish his case through documents and evidences.

5. In the present case, the Interlocutor Application was filed in order to establish and to remove the confusion regarding the measurements in the revenue records of the suit property, which is impermissible. Thus, the reason recorded by the Trial Court for rejecting the Interlocutory Application is in consonance with the principles settled.

6. Therefore, there is no infirmity in respect of the relief as such sought for in the present Civil Revision Petition.



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7. Accordingly, the present Civil Revision Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

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Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

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To

- 1.The I Additional District Munsif,
I Additional District Munsif Court,
Salem.
- 2.The Thasildar,
Salem West,
Sooramangalam,
Salem.
- 3.The Sub Inspector of Survey,
Salem West,
Sooramangalam,
Salem.



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S.M.SUBRAMANIAM, J.

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