



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD)No.2516 of 2017  
and C.M.P. (MD)No.11809 of 2017

V.Santhiagu ...Petitioner/Petitioner/Plaintiff  
Vs.

1.Sebasthiyan  
2.Rajarathinam  
3.Manuvel ...Respondents/Respondents/Defendants

**PRAYER:** Civil Revision Petition under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decreetal order, dated 10.07.2017 made in I.A.No.599 of 2017 in O.S.No.19 of 2014 on the file of the District Munsif Court, Sivagangai, set aside the same.

For Petitioner:Mr.S.Srinivasa Raghavan

For R-1 :No appearance

For R-2 & R-3 :Mr.N.Dilip Kumar

#### ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order, dated 10.07.2017 in I.A.No.599 of 2017 in O.S.No.19 of 2014 passed by the learned District Munsif, Sivagangai.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The revision petitioner/plaintiff has filed a petition in I.A.No.599 of 2017 in O.S.No.19 of 2014 on the file of the learned District Munsif, Sivagangai, for directing the Advocate Commissioner to re-inspect the property and to measure the same with the help of surveyor and the revenue records and the same was dismissed on 10.07.2017. Aggrieved over the said order, the revision petitioner is before this Court.

4.Heard on either side and perused the material documents available on record.

5.This Civil Revision Petition has been filed against the order dated 10.07.2017 in I.A.No.599 of 2017 in O.S.No.19 of 2014



to appoint Advocate Commissioner to measure the property with the help of surveyor since previous commissioner was not stated proper measurement in his report. The Commission petition was dismissed on the ground that already Commissioner stated the well and hence, the new commissioner is not necessary.

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6. On perusal of the previous commissioner report, there is no measurement of the property. It is only rough sketch. To decide the issue in the suit the measurement and physical features of the well is necessary. Therefore, this Court is inclined to scrap the first commissioner's report.

7. In view of the aforesaid reasons, this Civil Revision Petition is allowed by setting aside the order, dated 10.07.2017 in I.A.No.599 of 2017 in O.S.No.19 of 2014 passed by the learned District Munsif, Sivagangai. This learned District Munsif, Sivagangai, is directed to appoint a new Commissioner with the help of surveyor and further directed to dispose of the suit in O.S.No.19 of 2014, within a period of six months from the date of receipt of a copy of the order. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

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/ /2022

Sub Assistant Registrar(CS)

ksa

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To  
The District Munsif,  
Sivagangai.

+1 CC to M/s.N.DILIPKUMAR, Advocate ( SR-8535[F] dated 24/02/2022 )

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate ( SR-8175[F] dated 23/02/2022 )

**Order made in  
C.R.P. (MD) No.2516 of 2017  
23.02.2022**

TR(30.03.2022) 2P 4C