



C.R.P.No.2422 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2422 of 2019

S.Vaithianathasamy

.. Petitioner

Vs.

1. Senguttuvan

2. Sivaraj

3. Renganathan

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 24.04.2019 in I.A.No.368 of 2018 in O.S.No.65 of 2018 on the file of the District Munsif Cum Judicial Magistrate, Kattumanarkoil.

For Petitioner : Mr.M.Sivavarthanan

For R1 and R2 : Notice served

For R3 : Mr.A.Muthukumar

ORDER

This Civil Revision Petition has been filed as against the order dated 24.04.2019 in I.A.No.368 of 2018 in O.S.No.65 of 2018 on the file of the District Munsif Cum Judicial Magistrate, Kattumanarkoil, thereby dismissing the petition seeking appointment of an Advocate



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Commissioner.

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2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed a suit for declaration declaring that the petitioner's prescriptive title to the suit property by adverse possession peaceful uninterrupted actual physical possession and enjoyment of the suit property and subsequently for permanent injunction, thereby restraining the respondents from interfering with the peaceful possession and enjoyment of the suit property,

3. Pending suit, the petitioner filed an application, seeking appointment of an Advocate Commissioner, in order to inspect the suit property, by measuring and locating the suit property by fixing boundaries with the help of a surveyor. The suit itself filed for declaration by adverse possession. Admittedly, there is no dispute with regard to identity of the suit property. When it being so, there is absolutely no need to appoint an Advocate Commissioner, in order to identify the suit property and measure the same.



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4. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below and this revision is liable to be dismissed.

5. Accordingly, this Civil Revision Petition is dismissed. No costs.

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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

mn

To

The District Munsif Cum Judicial Magistrate, Kattumanarkoil.

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