

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED : 11.12.2023****CORAM****THE HON'BLE MRS.JUSTICE T.V.THAMIL SELVI****CRP.No. 3446 of 2022
and
CMP.No.18332 of 2022**

Kannan

... Petitioner

Vs.

1. Indira Gandhi
2. Ramaraj

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decretal Order dated 25.03.2022 made in I.A.No.2 of 2021 in O.S.No.35 of 2010 on the file of the Principal District Munsif, Attur.

For Petitioner : Mr.R.Murali

For Respondents : Mr.V.Kannadasan

ORDER

The petitioner has filed this petition to set aside the Fair and Decretal Order dated 25.03.2022 made in I.A.No.2 of 2021 in O.S.No.35 of 2010 on the file of the Principal District Munsif, Attur.



2. Before the trial Court the respondents / defendants have filed as application under Section 151 of CPC praying to appoint an Advocate commissioner with a direction to inspect and measure the suit property with the help of the Surveyor and VAO with reference to the Sale Deed dated 03.11.1972 along with old FMB sketch and to not down the physical features of the suit property. Admittedly, they purchased the property in the year 1972 in S.No.328/4, now sub-division was made in three places as S.No.328/4A, 328/4C and 328/4E said to be belonged to the plaintiff.

3. The contention of the respondents / defendants is that the dispute is with regard to sub-division of S.No.328/4 and they want to measure the property as per the sale deed dated 03.11.1972. Admittedly, the subject in issue was involved in measurement of the property in S.No.328/4, which would not create any prejudice to the plaintiff. Since the plaintiff has filed a suit for declaration of title and other consequential reliefs in respect of the suit property situated in i) S.No.328/3, extent acre 0.08 cents, ii) 328/4B, extent of 0.03.0, in that common 1/3 share, iii) 328/4D, extent 0.27.0, iv) 328/4F, extent 0.03.5, v) 328/4G, extent 0.05.5 and vi) 328/12A, extent 0.04.5, the measurement of the property with the help of Revenue Officials, will minimise much of the Court



work.

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4. I do not find any merits in this matter, which needs no interference. Accordingly, this Civil Revision Petition is dismissed as devoid of merits. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

5. However, the Court Commissioner is directed to measure the property within a period of two months from the date of this order, because the parties are Senior citizen and the suit property is also directed to be measured along with the property mentioned by the defendants and to submit a report within a period of twelve weeks from the date of receipt of a copy of this order. The Court Commissioner is directed to avoid multiplicity of proceedings to measure the suit property along with the property mentioned by the defendant. Thereafter, the learned trial Judge is directed to dispose of the case in the manner known to law.

11.12.2023

Index : Yes/No
Speaking order / Non speaking order
Neutral Citation: Yes / No
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T.V.THAMIL SELVI, J.

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To

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

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