



*A.No.4728 of 2023
in C.S.No.154 of 2023*

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R.N.MANJULA, J.

This application has been filed by the first defendant seeking an appointment of an Advocate Commissioner to note down the physical features of the suit property as well as the adjacent property situated at Plot Nos.2975 and 2976-B, New No.51,A.M.Block, 14th Main Road, Anna Nagar, Chennai 600 040.

2. The respondents/plaintiffs have filed a suit directing the defendants to pay compensation due to the damages caused to their building and the mental agony suffered by them. The first defendant had engaged the 2nd defendant to carry out the demolition of his building in Plot No.2975 after getting demolition order. The applicant is the owner of the adjacent property in Plot no.2976B. It is alleged that the building was demolished without following the stipulations prescribed in the demolition order of the Corporation and hence, the building fell upon the building of the plaintiffs and caused extensive damages to the property.



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4. Despite the first defendant gave the proposal for settlement, he has not moved to get any quotations for repairing their buildings. The respondents claimed a sum of Rs.30,55,284/- as damages and in order to appreciate the real position on the ground, the first defendant had filed this application seeking an appointment of Advocate Commissioner to note down the physical features of the suit property and also damages caused to the property and submit a report. The respondents/plaintiffs also agreeable to the appointment of Advocate Commissioner and did not object the same.

5. In view of the nature of damages caused to the buildings, I feel it is appropriate to appoint the Commissioner with the assistance of a qualified Engineer to visit the suit property and file the report on the lines requested by the applicant herein.



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6. In view of the reasons stated above, this application is allowed and **Ms.J.Lavanya, Advocate, (Enroll No.494/2018)**, having office at No.295, New Additional Law Chambers, 2nd Floor, High Court Building, Chennai-600 104 (Ph.No.8667408068; 91765 06144) is appointed as Advocate Commissioner to inspect the property with the help of a qualified Engineer and file a report. The learned Advocate Commissioner shall give notice of inspection before she inspects the suit property to both parties and the parties are directed to co-operate for the inspection. The remuneration of the Advocate Commissioner is fixed at Rs.20,000/- (Rupees Twenty Thousand only), which shall be borne by the applicant / first defendant himself.

11.09.2023

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