



C.R.P.No.2710 of 2017

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2. The revision petitioners are the plaintiffs and the respondent is the defendant. The petitioners filed a suit for permanent injunction and mandatory injunction to remove the encroachments in the suit schedule property. Pending suit, the petitioners filed an application seeking appointment of Advocate Commissioner to visit and inspect the suit schedule property, to measure the property with the help of qualified surveyor and to note down the measurement of constructions in the suit property. It was allowed and one Advocate Commissioner was appointed to inspect the suit property. The Advocate Commissioner visited the suit property and filed a preliminary report. Thereafter, the suit was adjourned for filing final report by the Advocate Commissioner. However, the Advocate Commissioner failed to file a final report. Therefore, the petitioners filed a Memo to recall the warrant issued to the Advocate Commissioner and for appointment of another Advocate Commissioner at their cost. It was accepted by the Trial Court and another Advocate Commissioner was appointed for the same purpose. However, the second Advocate Commissioner also failed to inspect the suit property and failed to file report. Therefore, the suit was kept pending and adjourned for filing



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final report by the Advocate Commissioner from time to time. In the meanwhile, the suit was transferred from the file of I Additional District Munsif Court, Salem to the file of II Additional District Munsif Court, Salem. At that juncture, the petitioners filed the petition in I.A.no.661 of 2015 in O.S.No.1032 of 2010 for filing final report by the Advocate Commissioner. Without insisting the Advocate Commissioner to file final report, the Court below simply closed the application. Hence, the revision.

3. Considering the above facts and circumstances of the case, the Trial Court is directed to appoint another Advocate Commissioner to visit and inspect the suit schedule property and to measure the property with the help of qualified surveyor and to note down the measurement of constructions in the suit property. On receipt of the Advocate Commissioner's report, the Trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of the Advocate Commissioner's report.



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4. With the above direction, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed.

No costs.

12.01.2023

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

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To

The II Additional District Munsif,
Salem.



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G.K.ILANTHIRAIYAN, J.

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and
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12.01.2023