



WEB COPY



CRP No. 4266 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.11.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.4266 of 2023
and
CMP.No.25970 of 2023

1.Prem Anthonyraj
2.N.Naveen

... Petitioners

Versus

1.K.Palanisami
2.Venkatesh

... Respondents

Civil Revision Petition filed Under Section 227 of Constitution of India, praying to set aside the impugned order in I.A.No.6 of 2023 in O.S.No.158 of 2021 dated 15.09.2023 pending on the file of the District Munsif Court at Sendamangalam.

For Petitioners : Mr.Ravindra Ram

ORDER

The petitioners have filed this petition to set aside the impugned order in I.A.No.6 of 2023 in O.S.No.158 of 2021 dated 15.09.2023 pending on the file of the District Munsif Court at Sendamangalam.



CRP No. 4266 of 2023

WEB COPY 2. Heard, Mr.Ravindra Ram, learned counsel for the petitioners and perused the materials available on record.

3. The learned counsel for the petitioners submitted that the petitioners have filed an I.A.No.6 of 2023, to appoint Advocate Commissioner to note down the fiscal feature. The said application was dismissed by the learned trial Judge, stating that in respect of finding out the factum of possession of the property, Commissioner cannot be appointed. He further submitted that they have filed application to note down the fiscal feature, and not sought any permission to find out the possession. Aggrieved the same, the revision petitioners have preferred this revision petition.

4. On perusal of the affidavit filed by the petitioners before the trial Court, clearly shows that, they pray to appoint Advocate Commissioner to note down the fiscal feature. No prayer in respect of the petition, but the learned trial Judge erroneously made such observation, which needs interference by this Court. Accordingly, the findings rendered by the learned trial Judge is set aside. I.A. is allowed. The learned trial Judge is directed to appoint Advocate Commissioner to note down the fiscal feature of the suit



CRP No. 4266 of 2023

schedule property, within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

30.11.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
rri

To

1. The District Munsif Court,
Sendamangalam.
2. The Section Officer,
VR-Section, High Court of Madras.



WEB COPY



CRP No. 4266 of 2023

T.V.THAMILSELVI, J.

rri

Civil Revision Petition No.4266 of 2023
and
CMP.No.25970 of 2023

30.11.2023