



CRP. No. 4763 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

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

CRP No. 4763 of 2023
& CMP No. 28273 of 2023

Krishnakumari

...Petitioner

Vs.

V.Selvaraj

....Respondent

PRAYER : This petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 25.09.2023 in I.A No. 1 of 2022 in O.S No. 280 of 2012 on the file of the learned District Munsif, Mettupalayam.

For Petitioners : Mr.C.P.Sivamohan

ORDER

This petition has been filed to set aside the fair and decreetal order dated 25.09.2023 in I.A No. 1 of 2022 in O.S No. 280 of 2012 on the file of



CRP. No. 4763 of 2023

the learned District Munsif, Mettupalayam.

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2. The petitioner herein filed I.A No. 1 of 2022 in O.S No. 280 of 2012, to appoint the Advocate Commissioner to note down the physical features of the suit property with the help of the Municipal Town surveyor but the court below dismissed the said application. Challenging the same, the petitioner filed this petition.

3. Heard the learned counsel for the petitioner.

4. The petitioner filed the application to appoint the Advocate Commissioner to note down the physical feature of the suit property since because the respondent encroached the suit property. Considering the facts of the case, this Court is of the view that only after measuring the property the Court can find whether any encroachment was made or not. Hence, appointing Advocate Commissioner would not cause any prejudice to the respondent and also the Advocate commissioner report will enable the Court to decide the suit. Hence, the order passed by the Trial Court in I.A No. 1 of 2022 in O.S No. 280 of 2012 is set aside. Thus, I.A No. 1 of 2022 is allowed. Further, the Trial Court is directed to appoint Advocate Commissioner within a period of four weeks from the date of receipt of a copy of this order.



CRP. No. 4763 of 2023

5. In the result, this Civil Revision Petition is allowed. No Cost.

Consequently, connected miscellaneous petition is closed.

15.12.2023

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CRP. No. 4763 of 2023

T.V.THAMILSELVI,J.

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To

1. The District Munsif, Mettupalayam.

CRP No. 4763 of 2023
& CMP No. 28273 of 2023

15.12.2023