



C.R.P. No.5009 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.5009 of 2023
and
C.M.P.No.29219 of 2023

Palanisamy

... Petitioner

Versus

1. Velusamy
2. Thangavel
3. Gopal
4. Ramasamy
5. Duraisamy

.. Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 23.11.2023 made in I.A.No.03 of 2023 in O.S.No150 of 2020 on the file of the II Additional District Munsif, Erode.

For Petitioner

: Mr.M.Guruprasad



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ORDER

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Challenging the impugned order passed in I.A.No.03 of 2023 in O.S.No.150 of 2020 passed by the learned II Addl. District Munsif, Erode, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. Pending suit, petitioner herein filed I.A.No.03 of 2023 to appoint and Advocate Commissioner to note down the physical feature of the suit property. The said application was dismissed stating that already Advocate Commissioner was appointed to measure the property as ordered in I.A.No.02 of 2020. Aggrieved by the same, present revision petition is filed.

3. The learned counsel for the Revision Petitioner submitted that, application filed by the petitioner in I.A.No.02 of 2020 was allowed and Advocate Commissioner was appointed to measure the property with the help of a surveyor. Accordingly, Advocate Commissioner filed a report, but it was not properly done. Hence, petitioner filed I.A.No.03 of 2023 to appoint a fresh Advocate Commissioner to measure the suit property.



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However, the same was dismissed without considering the objections put forth against the earlier Advocate Commissioner. Aggrieved by the same, present revision petition is filed.

4. Admittedly, petitioner has filed his objection to the report but the same was not considered by the trial Court. However, as on date, earlier report is on file. Under such circumstances, this Court is not inclined to interfere with the order passed by the II Additional District Munsif, Erode in I.A.No.03 of 2023.

5. Accordingly, this Civil Revision Petition is dismissed. However, direction is given to the same Advocate Commissioner to measure the suit property with the District Surveyor and file a fresh report based on the sale deed and revenue records. Consequently, connected miscellaneous petition is closed.

22.12.2023

Index: Yes/No
Internet: Yes/No
sma



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T.V.THAMILSELVI, J.

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To

II Additional District Munsif, Erode

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