



*C.R.P.(MD)No.408 of 2021*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 23.11.2023

CORAM:

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

**C.R.P.(MD)No.408 of 2021**

1. Harinarayanan

2. Rangaraj

... Petitioners/  
Petitioners/  
Defendants

Vs.

Vasu

... Respondent/  
Respondent/  
plaintiff

**Prayer** : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records of the learned Principal Subordinate Judge, Pudukkottai made in I.A.No.1326 of 2017 in O.S.No. 287 of 2015 and set aside the fair and decreetal order dated 24.01.2020.

For Petitioners : Mr.S.Prabha  
for Mr.D.Ramesh Kumar



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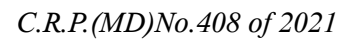
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## **ORDER**

The Civil Revision Petition is directed against the order passed in I.A.No.1326 of 2017 in O.S.No.287 of 2017 dated 24.01.2020, on the file of the Principal Subordinate Court, Pudukkottai, dismissing the application for appointment of Advocate Commissioner.

2. The respondent/plaintiff has filed the suit in O.S.No.287 of 2017 to declare that the suit property is belonging to him and for permanent injunction restraining the revision petitioners/defendants from in any manner interfering with the peaceful possession and enjoyment of the suit property.

3. Previously, at the instance of the respondent/plaintiff's side, an Advocate Commissioner was appointed in I.A.No.628 of 2017. It is seen from the impugned order that the Advocate Commissioner, who was already appointed, has measured the property with the help of Surveyor along with the Village Administrative Officer (VAO) with reference to the documents as well as the revenue records and also taking note of the



4. The main contention of the revision petitioners is that the Advocate Commissioner has nowhere informed that he has not measured the property from the boundary stone. As rightly observed by the learned trial Judge, just because the Advocate Commissioner has not stated that there was no service stone that by itself is not a ground to appoint another Advocate Commissioner to measure the property again.

5. The next contention of the learned counsel appearing for the revision petitioners is that Junior Advocate from the Bar was appointed as Advocate Commissioner previously and that the revision petitioners/defendants have prayed for Senior Advocate to measure the property with proper survey. Admittedly, the revision petitioners/defendants have not filed any objections to the Advocate Commissioner's report and plan already filed, raising the objection now canvassed.



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6. Considering the entire facts and circumstances of the case and also the reason canvassed for appointment of Advocate Commissioner, the impugned order dismissing the application cannot be found fault with. Hence, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

7. In the result, this Civil Revision Petition is dismissed. No costs.

**23.11.2023**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
csm

**To**

1. The Principal Subordinate Court,  
Pudukottai.
2. The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

csn

**Order made in**  
**C.R.P.(MD)No.408 of 2021**

**Dated : 23.11.2023**