



CRP.(MD)No.2782 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CRP.(MD)No.2782 of 2023

and

C.M.P.(MD)No.14535 of 2023

P.Prema

... Petitioner

Vs.

1.Bhuvaneswari

2.P.Saravanan

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the civil revision petition and set aside the order passed in I.A.No.3 of 2022 in O.S.No.38 of 2022 dated 11.08.2023 on the file of the District Munsif, Melur Taluk.

For Petitioner : Mr.C.S.Ravichandran



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ORDER

This civil revision petition is directed against the order in I.A.No.3 of 2022 in O.S.No.38 of 2022 dated 11.08.2023 on the file of the District Munsif, Melur Taluk.

2.The learned counsel appearing for the petitioner would submit that the petitioner has filed suit for permanent injunction, that the defendants have filed written statement along with counter claim claiming the relief of permanent injunction in respect of A-schedule property and mandatory injunction in respect of B-schedule property, that the defendants filed an application for appointing Advocate Commissioner to measure the A and B schedule properties given in the counter claim alone and that, the District Munsif, without considering the objection raised by the petitioner herein, has appointed the Advocate Commissioner to measure A and B schedule properties and submit a report.

3.The main contention of the learned counsel appearing for the petitioner is that the Commissioner has to be directed to measure the entire



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property of 64 cents situated on the north side of survey No.34/1, Kathakkeenaru Village and that if the properties shown in the counter claim are only measured, it will not be helpful to ascertain the encroachment allegedly committed by the defendants.

4.Considering the above facts and circumstances of the case and also the objection raised by the learned counsel appearing for the petitioner, the trial Court is directed to instruct the Commissioner to measure the entire extent of 64 cents situated on the north of S.No.34/1, Kathakeenaru Village, which includes suit properties as well as A & B schedule properties shown in the counter claim and accordingly, the trial Court is directed to issue fresh warrant to the Commissioner with the above said instructions.

5.In the result, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
gns



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K.MURALI SHANKAR,J.

gns

To
The District Munsif,
Melur Taluk.

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