



CRP Nos.196 and 198 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP Nos.196 and 198 of 2024

Subbarayan

... Petitioner in
CRP Nos.196 and 198 of 2024

Vs.

Bakkiyalakshmi
...Respondent in

CRP Nos.196 and 198 of 2024

PRAYER in CRP No.196 of 2024: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order in IA No.3 of 2022 in IA No.937 of 2018 in OS No.378 of 2018 dated 10.10.2023 on the file of the learned Additional District Munsif Court, Namakkal.

PRAYER in CRP No.198 of 2024: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order in IA No.4 of 2022 in IA No.937 of 2018 in OS No.378 of 2018 dated 10.10.2023 on the file of the learned Additional District Munsif Court, Namakkal.



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For Petitioner

: Mr.K.S.Jena Ganeshan

COMMON ORDER

The civil revision petitions are filed to set aside the orders in IA Nos.3 and 4 of 2022 in IA No.937 of 2018 in OS No.378 of 2018 dated 10.10.2023 on the file of the learned Additional District Munsif Court, Namakkal.

2. The petitioner is the plaintiff and the respondent is the defendant in OS No.378 of 2018 on the file of learned Additional District Munsif Court, Namakkal. The suit was filed for permanent injunction against the respondent/defendant. In the said suit, an application in IA No.937 of 2018 was filed for appointing an advocate commissioner to measure the suit property and note down the physical features. The said application was allowed on 14.12.2018 and an advocate commissioner was appointed. The advocate commissioner inspected the property on 13.04.2019 and filed a report on 20.09.2019. Under these circumstances, the petitioner again filed



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applications in IA Nos.3 and 4 of 2022 to re-open and re-issue the warrant to the same advocate commissioner to note down the physical features, which was rejected by the trial court on 10.10.2023. Challenging the said orders, the petitioner has filed the present civil revision petitions.

3. Learned counsel for the petitioner submits that it would cause irreparable loss and hardship to the petitioner if an advocate commissioner is not appointed again to note down the physical features of the suit property. Hence, the orders of the Trial Court is liable to be set aside.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The petitioner is the plaintiff and the respondent is the defendant in OS No.378 of 2018 on the file of learned Additional District Munsif Court, Namakkal. The suit was filed for permanent injunction against the respondent/defendant. In the said suit, an application in IA No.937 of 2018



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was filed for appointing an advocate commissioner to measure the suit property and note down the physical features, which was allowed. The advocate commission also filed a detailed report with regard to the suit schedule properties. Under these circumstances, the petitioner again filed applications in IA Nos.3 and 4 of 2022 to re-open and re-issue the warrant to the same advocate commissioner to note down the physical features, which was dismissed by the trial court on 10.10.2023 on the ground that the suit is pending for more than five years and an advocate commissioner has already been appointed and he has inspected the suit property and filed a detailed report in the year 2019. Therefore, the Trial Court has rightly dismissed the applications for re-opening and re-issuing the warrant to the same advocate commissioner for inspecting the suit property in a suit for permanent injunction. I find no reason to interfere with the findings of the trial court as there is no merit in the civil revision petitions. There is no infirmity in the impugned order.

7. In fine, the civil revision petitions are dismissed. There will be no



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order as to costs. CMP No.907 of 2024 is closed.

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Index: Yes/No
Internet: Yes/No
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V.SIVAGNANAM, J.,

mrn

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