



CRP.No.2288 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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and

CMP.No.17299 of 2021

Shanthi Sridhar

... Petitioner

Vs.

1.P.Ganapathi
2.Ganapathi
3.P.Varadharajan

4.The Commissioner
Ambattur Municipality
Ambattur
Chennai 600 053.
Respondents

...



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Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned order dated 15.07.2021 in I.A.No.3 of 2021 in O.S.No.529 of 2009 on the file of the District Munsif Judge at Ambattur and allow the Advocate Commissioner Petition.

For Petitioner : Mr.Thomas T.Jacob

ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking an appointment of Advocate Commissioner along with Surveyor to inspect and measure the suit property and file a report.

2. The petitioner herein filed a suit for permanent injunction restraining the respondents from obstructing their right of way in the suit 'B' Schedule property and also interfering with the



peaceful possession and enjoyment of the suit 'A' Schedule property.

The petitioner also sought for mandatory injunction directing the fourth defendant to take action against the defendants 1 to 3 by removing the illegal and unauthorized construction put up by the defendants 1 to 3. The petitioner filed a similar application for appointment of Advocate Commissioner earlier and the said application was closed and the suit was taken up for trial.

3. It is seen from the records that the earlier application filed by the petitioner was closed as early as 2011. Now, after 10 years again the petitioner has come up with this Civil Revision Petition seeking appointment of Advocate Commissioner to measure the suit property. In the affidavit filed in support of this application, the petitioner has not stated any convincing reason or the necessity to measure the suit property with the help of Advocate Commissioner and Surveyor. The suit is posted for further evidence on behalf of the petitioner/plaintiff. It is also not explained why petitioner did not



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pursue earlier application and allowed the same to be closed.

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4. In these circumstances, the trial Court rightly dismissed the application by observing that the petitioner has filed application unnecessarily to protract the proceedings. I do not find any illegality or material irregularity in the order passed by the Court below and accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.01.2024

Index : Yes / No

Internet : Yes / No

dna

To

The District Munsif Ambattur.



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S.SOUNTHAR, J.

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