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C.R.P.No.2820 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2820 of 2021 and
C.M.P.No.20440 of 2021

Ms.P.A.Kruti

... Petitioner

Vs.

1.P.S.Vijayaraghavan
2.Mrs.Vidya Govindarajan
3.Thirumurthy V.Poondi
4.N.Ramasundaram

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order dated 04.09.2021 made in O.S.No.5892 of 2018 on the file of the IV Additional District Judge, City Civil Court, Chennai.

For Petitioner : M/s.S.Kanniah
For Respondent 1 to 4 : Mr.G.Vijaya Kumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking appointment of Advocate Commissioner for local inspection.



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2. The petitioner herein filed a suit for recovery of money on the ground that respondents conveyed a lesser extent of land to the petitioner.

3. Pending the suit, the petitioner filed an application seeking appointment of Advocate Commissioner for local inspection. In the affidavit filed in support of the application, it was averred by the petitioner that if the property is measured by the Advocate Commissioner with the help of qualified Surveyor, the exact extent available on ground can be ascertained and the same will help the Court to decide the actual controversy involved in the suit.

4. It is seen from the written statement filed by the respondents that respondents in the pleadings clearly admitted that there is a discrepancy with regard to extent in the respondents' documents and the patta. As per the extent mentioned in the patta, the extent available on ground is only 4800 Sq.feet as against 5750 Sq.feet as found in the title documents.



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5. In view of the fact that respondents themselves admitted the shortage of extent on ground as per the revenue document, there is no necessity to appoint Advocate Commissioner to measure the suit property and find out actual extent available on ground. Hence, I do not find anything to interfere with the order passed by the Court below dismissing the application seeking appointment of Advocate Commissioner. Whether the petitioner is entitled to recovery of money as prayed for is the matter to be decided based on the evidence at the time of final disposal of the suit.

6. Having regard to the fact that the suit is of the year 2018, this Court is inclined to direct the Court below to dispose of the suit as expeditiously as possible.

7. With these observations, this Civil Revision Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

18.01.2024

Index : Yes / No
Internet : Yes / No
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S.SOUNTHAR, J.

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To
The learned IV Additional District Judge, City Civil Court, Chennai.

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