



C.R.P.No.3525 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 02..09..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition No.3525 of 2024

and

C.M.P.No.19096 of 2024

1. Subramani

2. Jeya

..... Petitioners

-Versus-

1. Palani

2. Manjula

3. Kokila

4. Vadivel

5. The Tahsildar,
Uthangarai,
Thasildar Office Uthangarai Town and Taluk,
Krishnagiri District.

6.The Revenue Divisional Officer, Krishnagiri,
Revenue Divisional Office,
Krishnagiri Town and Taluk,
Krishnagiri District.

7.The District Collector, Krishnagiri,
District Collector Office,
Krishnagiri Town and Taluk,
Krishnagiri District.

..... Respondents



C.R.P.No.3525 of 2024

WEB COPY Petition filed under Article 227 of the Constitution of India, praying to set aside the fair order and decretal order dated 23.08.2023 passed by the learned District Munsif, Uthangarai, Krishangiri District, in I.A.No.3 of 2020 in O.S.No.45 of 2020 and thereby all the civil revision petition.

For Petitioner : Mr.S.Umapathy

*For Respondent : Mr.R.Sriddharth,
Government Advocate for RR 5
to 7*

ORDER

This civil revision petition arises against an order dated 23.08.2023 passed by the learned District Munsif, Uthangarai, Krishangiri District, in I.A.No.3 of 2020 in O.S.No.45 of 2020. The civil revision petitioners are the plaintiffs.

2. The suit in O.S. No. 45 of 2020 is the suit for declaration of title and for injunction restraining the defendants 1 to 3 or their agents, from interfering with the peaceful possession and enjoyment of the plaintiffs over the suit schedule B-Schedule property.

3. The plaintiffs claim to be in possession of the suit B-Schedule property. Contesting this claim, the defendants 1 to 3 have taken a stand that



C.R.P.No.3525 of 2024

they are in possession of the suit B-Schedule property.

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4. In order to substantiate their case, the plaintiffs took out an application along with the suit, which was received in I.A.No.3 of 2020. This application was filed for the appointment of an Advocate Commissioner to conduct a local inspection of the property with the assistance of a qualified surveyor and submit a report. This application came to be dismissed by the learned trial Judge, Hence, the revision.

5. A perusal of the plaint and the written statement shows that there is no dispute regarding identity or measurement of the property. The entire dispute relates only with regard to, who is in possession of the property. An Advocate Commissioner cannot be appointed to find out who is in possession of the property. That is essentially the duty of the court to be executed by it based on the oral and documentary evidence. The court cannot delegate its power to an Advocate Commissioner. In case there is a dispute in the identity of the property or measurement, the issue of appointment of the Advocate Commissioner would arise. In this case, there is neither dispute in the identity nor measurement of the property. Hence, the view of the learned District Munsif, Uthangarai, that there is no necessity to appoint an Advocate Commissioner cannot be taken exception to.



C.R.P.No.3525 of 2024

WEB COPY In the result, the civil revision petition is dismissed. No costs.

Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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02..09..2024

To

1.The District Munsif, Uthangarai, Krishnagiri District.



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C.R.P.No.3525 of 2024

V.LAKSHMINARAYANAN.J.,

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C.R.P.No.3525 of 2024

02..09..2024