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C.R.P.No.3974 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.3974 of 2024
and C.M.P.No.21779 of 2024

K.Vasantha (died)

1. K.Sivagnanam

2 K.Jayakodi

3. K.Sivaguru

....

Petitioners

-Vs-

S.Venkatesan

....

Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to call for the entire records in pursuant to I.A.No. 2 of 2023 in O.S.No. 133 of 2018 on the file of District Munsif at Katpadi Vellore District vide order dated 15.04.2024.

For Petitioner : Mr.M.Sathish Kumar

ORDER

This Civil Revision Petition arises against the order of the learned District Munsif-cum-Judicial Magistrate, Katpadi, Vellore in I.A.No.2 of 2023 in O.S.No.133 of 2018 dated 15.04.2024.



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2. The Civil Revision Petitioners are the defendants in the suit. The respondent/plaintiff presented O.S.No.133 of 2018 on the file of the learned District Munsif at Katpadi seeking for the relief of permanent injunction restraining the defendants from interfering with the peaceful possession of the plaintiff over the suit schedule mentioned properties.

3. It is the case of the plaintiff that he is the owner of the suit schedule mentioned properties which are situated in S.No.87/90, Thandalam Krishnapuram Village, Katpadi Taluk, Vellore District. He would plead that S.No.87/7B is the old survey number and the new survey number is S.No.87/90. The defendants would plead that they are in occupation of S.No.87/7B and the plaintiff does not have any right over the same.

4. A perusal of the plaint shows that the measurement of the property and the four boundaries have been clearly demarcated in the plaint itself. There is no dispute in the identity of the property, but the only dispute is in the survey numbers. For the purpose of clarifying the survey number, the defendant can always summon the revenue records and prove the same. An Advocate Commissioner need to be appointed only when there is a dispute in the identity or extent or in the lie of the property. There being none in the present case, I do not find any error in the impugned order passed by the learned District Munsif.



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5. In any event, it is the burden of the plaintiff to prove that the old S.No.87/7B number corresponds to the new S.No.87/90. This would only require a correlation register to be produced by the revenue authorities. An advocate commissioner who is not in custody of the revenue records can only go and speak about the physical identification of the properties. As the dispute is not with respect to any of the issues set forth above, but only with respect to the correlation of the survey numbers, I do not find any reason to interfere with the impugned order. The Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

The District Munsif
Katpadi, Vellore District.



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V. LAKSHMINARAYANAN, J.

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