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C.R.P.(PD).No.4149 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.4149 of 2019
and C.M.P.No.27008 of 2019

Ramachandran

... Petitioner

VS

Praveen

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the above Civil Revision Petition and set aside the fair order and decretal order passed dated 29.10.2018 passed in I.A.No.537 of 2017 in O.S.No.144 of 2014 on the file of Additional District Munsif at Tindivanam, Villupuram District.

For Petitioner : Mr.S.Muthukumar

For Respondent : No Appearance

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court closing the application filed by the respondent seeking appointment of Advocate Commissioner to measure the suit property with the help of Surveyor and to note down the physical features.



C.R.P.(PD).No.4149 of 2019

2. The respondent herein filed a suit for declaration of title and permanent injunction. Pending suit, he filed an application for appointment of Advocate Commissioner to measure the suit property with the help of Surveyor and to note down the physical features.

3. A reading of impugned order would suggest that the Advocate Commissioner filed his report as early as 27.07.2017. Therefore, recording the same, the Trial Court closed the application filed for appointment of Advocate Commissioner.

4. The learned counsel appearing for the petitioner submitted that the appointment of Advocate Commissioner in a suit for declaration of title and injunction is not at all necessary.

5. If the petitioner is aggrieved by the appointment of Advocate Commissioner, it is for him to challenge the said order. However, the petitioner challenged the order closing the application for appointment of Advocate Commissioner after recording the report filed by him. In view of the



C.R.P.(PD).No.4149 of 2019

fact that order appointing Advocate Commissioner is left unchallenged and Advocate Commissioner also filed his report as early as 27.07.2017, there is nothing wrong on the part of the Trial Court in recording the Advocate Commissioner's report and closing the application. I do not find anything to interfere with the order passed by the Trial Court.

6. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

22.03.2024
(2/2)

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Additional District Munsif,
Tindivanam, Villupuram District.



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C.R.P.(PD).No.4149 of 2019

S.SOUNTHAR, J.

dm

C.R.P.(PD).No.4149 of 2019

22.03.2024
(2/2)