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CRP.No.2892 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.No.2892 of 2023
and CMP.No.17887 of 2023

C.Krishnasamy

... Petitioner / Respondent /
Defendant

Vs.

1.Sarawathi
2.Suryagandhi
3.Chandragandhi
4.Yasodha

... Respondents / Petitioners /
Plaintiffs

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair order and final order dated 14.08.2021 passed in I.A.No.5/2021 in O.S.No.170/2019 on the file of the II Additional District Munsif, Erode, Erode District.

For Petitioner : Mr.T.Titus Enock

For Respondents : Mr.A.Sundara Vadhanan [R1 to R4]



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ORDER

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The defendant has challenged the order passed by the learned II Additional District Munsif, Erode, in I.A.No.5 of 2021 in O.S.No.170/2019.

2. By the impugned order dated 14.08.2021, the learned II Additional District Munsif has scrapped the Commissioner's report dated 11.02.2021 filed by Mr.V.Vijayasankar, Advocate and has appointed Mr.S.Sreenivasan, a new Commissioner to inspect the petition mentioned property with a qualified surveyor and to file a report within two months from the date of the order.

3. The impugned order has been passed on the application filed by the plaintiffs in I.A.No.5 of 2021, where the plaintiffs have sought for re-issue of warrant to note down the physical features in and around the suit property and to take measurements. However, the learned Judge by order dated has proceeded to scrap the report of the earlier Commissioner and appointed a new Commissioner to inspect the same petition mentioned property. Hence, this has been challenged by the defendant/revision petitioner.



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4. Heard the learned counsel on either side and perused the materials placed before the Court.

5. The learned II Additional District Munsif, Erode has scrapped the earlier report, despite the fact that the petition before him was only for re-issue of warrant to the earlier Commissioner. The learned counsel for the respondents also fairly conceded this point.

6. It is also informed before the Court that the earlier Commissioner Mr.V.Vijayasankar, is no longer in practice and the warrant that has been issued to Mr.S.Sreenivasan, has also been recalled.

7. Recording the above, the civil revision petition is disposed of by setting aside the order in I.A.No.5/2021 in O.S.No.170/2019, insofar as it relates to the scrapping of the earlier Commissioner report dated 11.02.2021. The Court below shall appoint a new Commissioner and the warrant shall be re-issued to the new Commissioner, and he shall file a report. This report shall be considered by the Court below in addition to the



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report filed by the earlier Commissioner. No costs. Consequently,
connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

- 1.The II Additional District Munsif
Erode, Erode District.
- 2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

ds

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