

IN THE COURT OF THE SUBORDINATE JUDGE, ERANIEL.,

Present: Thiru .K. Selvapandi, B.A., B.L.,
Subordinate Judge, Eraniel.

Wednesday, the 16th day of November 2022.

I.A.No.3 /2021 in OS.No.87/2021

1. E. Ponnappan
2. E.Gopalakrishnan
e. T. Sreekrishnan

... petitioners/Plaintiffs

. Vs.

1. U. Murugan
2. U. Kumaresan
3. U. Sakthivel
4. U. Chellam
5. U. Suseela
6. U. Mageswari
7.E. Kanagalingam
8. E. Lokidhasan
9. P. Suyambulingam
10. P. Kochimoni
11. P. Nagalingam
12. P. Monikandan
13. V. Sivakumar
14. V. sreeram
15. M. Anandh

... Respondents/ Defendants

This petition coming on for final hearing before me on 12.10.2022 in the presence of Thiru. C.S. Lenin & K.Ajeesh, Advocate for the petitioners and the respondents having remained exparte, and upon hearing the arguments on the side of petitioner and upon perusing the records, this court delivered the following:

ORDER

Heard the counsel for the petitioner. Perused the records.

2. This is a petition filed by the petitioners/plaintiffs seeking for appointment of commissioner for local inspection.

3. Admittedly the petitioners/plaintiffs have filed the main suit seeking for declaration, mandatory injunction and other reliefs.

4. Admittedly one of the reliefs sought for by the plaintiffs is mandatory injunction to remove the compound wall constructed over the well situated in the 1st item of the suit property and the other constructions. It is well settled law that in a case of mandatory injunction to remove some constructions made in the suit property, the proper procedure is to appoint the commissioner to find out the same. Therefore this petition is liable to be allowed.

In the result this petition is allowed . No costs. Mr. P.S. Rajesh, advocate is appointed as advocate commissioner for the purpose of local inspection. The commissioner is directed to inspect the properties after giving notice to both parties and to measure the suit properties with help of Taluk surveyor and to note down the physical features of the suit properties and to file report and plan. The Commissioner Fees is fixed at Rs.15,000/- to be paid by the petitioner to the Commissioner at the time of inspection of the suit properties. Commission report and plan by 07.12.2022.

Dictated by me to the Steno-typist and typed by her in the computer, corrected and pronounced by me in open court, this the 16th day of November 2022.

Sd/-

**Subordinate Judge,
Eraniel.**