

OS 128/2024 in IA 04/2025

(U/Or. 26 Rule 9 and Sec 151 of CPC)

ORDER

DATED:-10.11.2025

Heard both sides. Records perused. Upon perusal of records, it is seen that the Petitioner/Plaintiff has alleged that the Respondents have encroached the suit "B" Schedule property which belongs to the Petitioner and sought this Court to appoint a Commissioner to measure the suit property and report as to the factum of encroachment made by the Respondents over the suit property.

The Learned Counsel for the Respondents have stated no counter and endorsed the same herein.

Upon consideration of the facts and circumstances of this case, this Court is of the view that as the factum of encroachment can be proved by way of appointing a Commissioner, this Court deems it fit to appoint a Commissioner to report as to the same over the suit property if any. Hence, this petition is allowed.

Advocate Mrs.A.Gowri is hereby appointed as the Advocate Commissioner. The Advocate Commissioner shall inspect the suit 'A', 'B', 'C' and 'D' Schedule property after giving proper notice to the parties herein and shall note down his physical features, shall measure the same with the help of a qualified surveyor, demarcate the boundaries and to report before this Court as to the factum of encroachment if any, by way of filing a detailed report and plan along with the surveyor's plan.

The commission remuneration is fixed as Rs.8,000/-. The Petitioner is hereby directed to pay to the Commissioner Rs.8,000/- as commission remuneration directly, on or before 20.11.2025, failing which this order shall stand automatically vacated.

**Additional District Munsif
Kulithalai**