

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, THIRUMANGALAM

Present: Thiru. C.Dineshkumar, M.A., B.L.,

Principal District Munsif, Thirumangalam

Wednesday 22nd day of January 2025

I.A. No.01/2024

in

O.S. No. 251/2023

Priyadharshini ... Petitioner/ 1st Defendant

-Vs-

1. R.Pandi

2. Thilagam

3. M.Subramani

... Respondents/ Plaintiffs

This Petition coming on 19.12.2024 before me for final hearing in the presence of Counsel Mr.M.Dhanapandiyan, Advocate for the Petitioner/ 1st Defendant and Mr.A.Saravanan, Advocate for the Respondents/ Plaintiffs, and upon perusing the Petition, counter and the entire materials available on the records before this Court and having stood over for consideration till this day, this Court delivers the following

ORDER

This petition has been filed Under Order 26 Rule 9 r/w 151 of C.P.C to appoint an Advocate Commissioner to inspect the suit property with the help of a qualified Surveyor.

2) THE POINT FOR DETERMINATION:

Whether this Petition has to be allowed or not?

3) ARGUMENTS:

3.1 The learned Counsel for the Petitioner/ 1st Defendant argued that the suit properties differ from the property of the Petitioner/1st Defendant and somebody else has constructed a building and residing in the suit property and therefore, it is meaningless to say that the Petitioner is interfering with the possession and therefore,

the property shall be measured to enlighten the Court, for which, an advocate commissioner has to be appointed and prayed for allowing the application.

3.2 On the other hand, the learned counsel for the Respondents/Plaintiffs argued that this petition is not maintainable and therefore, advocate commissioner cannot be appointed in this Suit and prayed for dismissal.

4) On perusal of the entire case records, it could be seen that there is a dispute in the boundaries of the suit property. Though, this suit has been filed for permanent injunction alone, this Court is of the opinion that the property should be identified properly to find out the real dispute between the parties.

5) Further, appointing an advocate commissioner to note down the physical features and to measure the suit properties on the basis of the documents of both the sides will not cause any prejudice to the Respondents/Plaintiffs side and infact, it would be helpful for this court to identify the suit property and the real dispute between the parties to decide the case on merits. Therefore, this court is inclined to appoint an advocate commissioner to note down the physical features and to measure the suit properties on the basis of revenue records and the title deeds of both the sides.

RESULT

As a result, this Petition is allowed and Advocate Mr.D.Rajkumar is appointed as Advocate Commissioner and he shall inspect the suit property with the help of surveyor and note down the physical features and measure the suit property on the basis of revenue records and the title deeds of both the sides and shall submit a report and plan with photographs as early as possible and Rs.8,000/- is fixed as remuneration for the above said purpose and the same shall be paid by the petitioner side to the advocate commissioner directly. Commissioner report and plan by 27.03.2025

Dictated by me to the Steno-typist directly in the office computer and the same was corrected by me and pronounced in the open Court on this 22nd day of January 2025.

Principal District Munsif
Thirumangalam

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Fair-Order
D.D. 22.01.2025.