

I.A.No. 01 of 2025 in

O.S.No. 56 of 2025

Dated: 04.11.2025

1. Counter of R1 and R2 not filed. Sufficient time given. R1 and R2 called absent. Hence, R1 and R2 set – exparte. Petitioner side present and heard. This petition is filed by the petitioners/plain-tiffs to appoint an advocate commissioner to not down the physical features and drawn to scale the petition mentioned properties along with the help of village administrative officer and qualified surveyor and to file his report. On perusal of the petition averments, it shows that the dispute between the parties is with regards to the alleged encroachment made by the respondent in the petition mentioned properties. The respondent herein though appeared in this case had not made any objection to the said contention and remained exparte. It is well settled that if any encroachment is pleaded, then it is necessary to identify whether the encroached portion comes within the property of the petitioner. The same could be identified only by way of appointing an advocate commissioner.

2. This court considers that the contention of the petitioner to the said effect is satisfactory to appoint an advocate commissioner in this case. Further, this court forms opinion that the report of the advocate commissioner would also be helpful for fair determination of this case and to resolve the real dispute between the parties.

In the result, this petition is hereby allowed. Advocate Mrs. Sowmiya is hereby appointed as advocate commissioner in this petition.

1. She is directed to inspect and measure the petition mentioned properties and to note down its physical features and drawn to scale along with Village Administrative Officer and qualified Surveyor and to file a detailed report along with sketches.

2. The advocate commissioner is directed to give notice to both parties before inspection.

3. Her remuneration is fixed as Rs.10,000/- and to be directly paid to the advocate commissioner. For commissioner report and plan call on 07.01.2026.

**Sd/-M.Selvam.,
District Munsif,
Mettur.**