

I.A No.3/2024
O.S.No.94/2018
Date:19.10.2024

Order pronounced in open court.

The petition has been filed to appoint an Advocate Commissioner under Order 26, Rule 9 and Section 151 of Code of Civil Procedure.

Heard the petitioner counsel. Records perused.

The petitioners prays to appoint an Advocate Commissioner to inspect the petition mentioned property, and to note down the physical features and to measure the suit property regarding encroachment. The respondent counsel endorsed no objection. Documents produced by the petitioner verified. The petitioner herein has filed the suit for the relief of Declaration, Permanent injunction and Mandatory injunction. This court feels that the appointment of Advocate Commissioner in this case is necessary at this stage to bring the ends of justice. Considering the documents produced in support of this petition, this court feels that this petition is to be allowed.

In the result,

1. Mr. C.Selvaraj,B.A.,B.L., Advocate, is appointed as Advocate Commissioner in this case, who is directed to inspect the petition mentioned property after giving prior notice to both sides and to note down the physical features and to measure the petition mentioned property to ascertain the encroachment with the help of Surveyor to submit his detailed report and plan to this court on or before 28.11.2024

2. The remuneration of Advocate Commissioner is fixed as Rs.10,000/- and the same shall be paid directly by the petitioner to the Advocate Commissioner

on or before 15.11.2024. Memo should be filed before this court to that effect.

Call on 28.11.2024.

District Munsif,
Dharapuram.