

IN THE COURT OF THE DISTRICT MUNSIF, VANDAVASI,
TIRUVANNAMALAI DISTRICT.

PRESENT : Tr. R. SENTHIL KUMAR, B.A.,B.L.,
DISTRICT MUNSIF.

TUESDAY THE 02ND DAY OF APRIL 2024

IA.No. 02/2023 in O S. No. 08/2023

Shobana

... Petitioner/ Plaintiff

..Vs..

1. Pooniyakotti,
2. Suresh,
3. Kumar,
4. Pichandi

... Defendants/Respondents

This petition coming up on this day for hearing before me in the presence of Tr. A. Nawab Jhon, Counsel for the Plaintiff and Tr. A. Vengadesan, Counsel for the defendant and upon perusing all the connected material records and having stood over till this day for consideration and this court delivers the following :

ORDER

1. This petition is filed for the issuance of commission for the propose of measurement of subject property with the help of surveyor and for a report in this regard by court commissioner.
2. According to petitioner/plaintiff, she has purchased the subject property and she is in possession of the same. When she had tried to demarcate her property from its original extent through the revenue officials, she was prevented from doing so by the respondents/ defendants. Hence, she filed the suit for injunction.
3. The respondents/ defendants have objected that though the petitioner has purchased property, her parent deed stood with wrong measurement and extent of the property and that the petitioner had never taken possession after her purchase and that the commission is not necessary.
4. Point:- Whether this petition is liable to be allowed or not?

5. Heard. Thought the respondents object the parent deeds of the petitioner, they have no serious objection about the purchase of subject matter with the extent of 4 cents. They object that the subject property had been mentioned to be 5 cents in the parent documents and that the vendor to petitioner had no rights for 5 cents. But as per the case of the petitioner, she is claiming 4 cents only which is not opposed.

6. Hence, from the facts of the suit, it is seen that a survey of the subject property would solve most of the disputes and it would also aid the court in arriving at just decision. Hence, this court is of the view that the subject property has to be measured as prayed through the court commission and accordingly the point is answered.

In the result, This petition is allowed. Advocate Ms. Hemalatha is appointed as court commissioner. The commissioner shall measure the suit property with the sale deed of petitioner and any deeds as produced by the respondents and the report shall contain all the relevant details about subject property and its adjacent properties. The commissioner's fee is Rs.5,000/- and a sum of Rs.2,000/- has to be paid on the date of visit to suit property and the remaining amount shall be paid on her filing report. Call on 07.06.2024 for report.

This judgment pronounced by me in the open court, on this the 02nd day of April 2024.

District Munsif,
Vandavasi.

IN THE COURT OF THE DISTRICT MUNSIF, VANDAVASI,
TIRUVANNAMALAI DISTRICT.

PRESENT : Tr. R. SENTHIL KUMAR, B.A.,B.L.,
DISTRICT MUNSIF.

TUESDAY THE 02ND DAY OF APRIL 2024

IA.No. 02/2023 in O S. No. 08/2023

Shobana, aged 30,
W/o. C. Murali,
No.368, East Road Street,
Maruthadu Village,
Vandavasi Taluk.

... Petitioner/ Plaintiff

..Vs..

1. Pooniyakotti, aged 50,
S/o. Janakirama Gounder,
Siriya Bramnar Street,
Maruthadu Village,
Vandavasi Taluk.
2. Suresh, aged 32,
S/o. Kumar Thambiran,
3. Kumar, aged 46,
S/o. Rajendira Thambiran,
4. Pichandi, aged 60,
S/o. Palani Thambiran,
2 to 4 residing at
Mettu Street, Maruthadu Village,
Vandavasi Taluk,
Tiruvannamalai District.

... Defendants/Respondents

This petition is filed Civil Procedure Code of Order 26 Rule 9.

Petition presented on : 10.01.2023
Petition filed on : 10.01.2023
Petition Stamp on : Rs.20.00/-

This petition coming up on this day for hearing before me in the presence of Tr. A. Nawab Jhon, Counsel for the Plaintiff and Tr. A. Vengadesan, Counsel for the defendant and upon perusing all the connected material records

and having stood over till this day for consideration and this court delivers the following :

Decretal Order

1. That this petition is allowed.

Given under my hand the seal of this court, this the 02nd day of April 2024.

District Munsif,
Vandavasi