

O.S.No.OS 69/2020

in

I.A.No.08/2024

Dated 30.01.2025

IA No.08 /2024 - This petition is filed under order 26 rule 9 of CPC. copy served. Adv.Esakki Indira is present for the respondent. Adv. Shanmugakumar is present for the petitioner. The respondent side counsel submits that there is no counter on the respondent side. The petitioner states that the suit is filed for declaration, recovery of possession and mandatory injunction against the defendants in respect of the schedule of suit property. There is a specific averment that the defendants encroached the property and the defendants denied the same. Both the parties are adjacent land owners. Hence, considering the facts and circumstances of the case it is necessary to appoint an advocate commissioner to note down the measurements, encroachment if any and the physical features of the property.

Hence, this court views the advocate commissioner may be appointed to measure the suit properties including the respondents property. Hence in view of the above Advocate, Mrs. Valarmathi is appointed as Advocate Commissioner. The advocate commissioner is directed to inspect the suit property and the respondents property by giving notice to both sides. The Advocate commissioner shall measure the properties, note down the properties of the plaintiff, Defendant and

mention the encroachment if any with physical features and prepare a plan with a report mentioning the measurements and including the encroachments if any with specific measurements of constructions. The remuneration for the Advocate Commissioner is Rs.8,000/-. The said remuneration Rs.5,000/- shall be paid by the petitioner and Rs.3,000/- shall be paid by the respondent.

The Advocate Commissioner is directed to inspect the suit property with the aid of a surveyor. Further, the Advocate Commissioner is directed to get Assistance from any authorities whomsoever for the effective inspection of the suit property and directed to prepare a plan and report. For filling plan and report call on 27.02.2025.

Dm Cum Jm
Shn