

**IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT
PRESENT: THIRU. K.VENKATESAN, B.A., B.L.,
DISTRICT MUNSIF, KATPADI.**

Tuesday, this the 19th Day of March – 2024

**I.A.No. 01 of 2023
In
O.S.No. 79 of 2016
(CNR.No.TNVL23-0001072016)**

1. D.Yasodhammal
2. D.Vijaya
3. D.Baby

...Petitioners

-Vs-

1. R.Manoharan
2. M.Kuppammal
3. M.Gokila
4. M.Padmanaban
5. M.Jayamohan
6. M.Anitha
7. Ezumalai

...Respondents

This petition is coming before me for final hearing today, in the presence of Thiru.V.Balu, the Counsel for the Petitioner and Thiru.V.Ashok Kumar, the Counsel for the Respondents and made endorsement as 'this petition may be allowed'. Upon perusing the entire case records and having stood before this court for consideration till this date, this court delivers the following:

ORDER

This petition has been filed by the petitioners/plaintiffs under Order 26 Rule 9 and Section 151 of Civil Procedure Code, to appoint an Advocate Commissioner to measure the suit property with the help of qualified surveyor and note down the physical features and other features of the suit property and to file his report.

Records perused. This petition has been filed by the petitioners/plaintiffs seeking to appoint an Advocate Commissioner to note down the physical features and to measure the suit properties with the help of qualified surveyor. Notice given to other side counsel who made endorsement as Advocate Commissioner may be appointed. On perusal of records, this suit has been filed by the plaintiffs to declare their title in the encroached portion as mentioned in 2nd item of suit property and for mandatory injunction to demolish the super structures. Considering the relief and no objection from other side and in order to elucidate the matter in dispute and also to determine the issue, in the interest of justice, this court is inclined to allow this petition. No costs.

In the result, an Advocate Thiru.T.Munisamy (Enroll No.MS.34/2009) is appointed as Advocate Commissioner, and he is directed to inspect the petition schedule properties, and to note down the physical features and to measure the same with the help of Taluk head surveyor, Katpadi Taluk and VAO Brammapuram Village, and file his report with plan thereof on (or) before

24.04.2024. The Advocate Commissioner's remuneration is fixed at Rs.7,000/- and the petitioners are directed to pay the same to the Advocate Commissioner directly within 5 days. For Commissioner Report and Plan by 24.04.2024.

Pronounced by me in the open court, this the 19th day of March 2024.

(Sd/-)..K.Venkatesan
DISTRICT MUNSIF
KATPADI