

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4737 of 2015 &
M.P.No.1 of 2015

Senguttuvan (a) Mannangatti

... Petitioner

v.

1.Vasanthamma
2.Vanaroja
3.Senthilkumar

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the petition order dated 03.11.2015 passed in E.P.No.45 of 2015 in O.S.No.170 of 1998 on the file of Principal District Munsif Court, Tirukoilur Taluk, Villupuram District.

For Petitioner : Mr.A.Thiagarajan, Sr. Counsel
for Mr.S.Ramesh Kumar

O R D E R

The 1st judgment debtor has filed the above Civil Revision Petition challenging the return made by the Principal District Munsif Court, Tirukoilur returning the application filed by the revision petitioner seeking for appointment of an Advocate Commissioner stating that the application is not maintainable.

2. Mr.A.Thiagarajan, learned Senior Counsel appearing for the petitioner submitted that the Execution Court had returned the application raising an issue only with regard to maintainability of the application. The learned Senior Counsel further submitted that the decree holder can execute the decree for mandatory injunction after measurement made by the Advocate Commissioner. Further, the learned Senior Counsel submitted that if the properties are not measured, the petitioner would be facing hardship and prejudice. That apart, the learned Senior Counsel also submitted that the Execution court may be directed to number the application and dispose of the same, within a stipulated time.

3. Having regard to the submission made by the learned Senior Counsel appearing for the revision petitioner, I direct the Principal District Munsif Court, Tirukoilur, to number the unnumbered application

in E.A.... of 2015 in E.P.No.45 of 2015 in O.S.No.170 of 1998, if it is in order, and dispose of the application on merits and in accordance with law, after giving notice to the decree holder, within a period of three weeks from the date of numbering of the application.

With these observations, the Civil Revision Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

17.12.2015

Index : Yes/No

Note : Issue copy of the order by 18.12.2015

Rj

To

The Principal District Munsif Court,
Tirukoilur Taluk,
Villupuram District.

M. DURAISWAMY,J.,

Rj

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