



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2015

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (PD) (MD) No.147 of 2015

and

M.P. (MD) No.1 of 2015

1.Vairavan

2.Muruganandam : Petitioners/Respondents 1 & 3/
Defendants 1 & 3

Vs.

1.N.Joseph : 1st Respondent/Petitioner/Plaintiff

2.Visalakshi : 2nd Respondent/2nd Respondent/2nd Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the order and decretal order dated 13.02.2014 made in I.A.No.57 of 2014 in O.S.No.33 of 2014 on the file of the Principal Sub Court, Thanjavur.

For Petitioners : Mr.K.Guhan

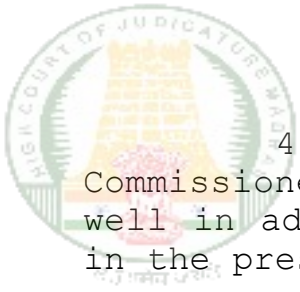
For Respondent No.1 : M/s.P.Kalaiyarasi Bharathi

ORDER

This revision is directed against the order appointing the Advocate Commissioner to inspect the suit property and measure the suit property with the help of a qualified Surveyor.

2. However, the contention of the petitioners is that the application for injunction and the application for appointment of Advocate Commissioner were filed together. The learned Trial Judge had issued a notice in the application for injunction, whereas he has appointed the Advocate Commissioner exparte, without hearing the defendants. Hence, the revision has been filed.

3. The revision itself is filed only with the Petition and Order and detailed orders have not come. It is not the case of the petitioners that the Commissioner has visited the property in question and filed a report without issuing any notice to the defendants. Admittedly, till today, the Commissioner has not visited the suit property and executed the warrant of commission.



4. In the light of the above circumstances, the Commissioner is directed to issue notice to the petitioners herein well in advance and then, inspect the suit property, as directed, in the presence of both parties.

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5. The Civil Revision Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O.,)

/True Copy/

Sub-Assistant Registrar

To

The Principal Sub Judge, Thanjavur.

+1cc to Mr.K.Guhan, Advocate, in SR. No.4242.

+1cc to Mr.P.Kalaiyarasi Bharathi, Advocate, in SR. No.4424.

Order made in
C.R.P. (PD) (MD) No.147 of 2015
Dated: 30.01.2015

SML

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