

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.1015 of 2016

M.Senthil : Petitioner
versus

1.The Inspector of Police,
Thalaivasal

2.K.Prakash

3.Kailasam : Respondents

PRAYER: Revision filed against the order dated 15.3.2016, in I.A.No.341 of 2016 in I.A.No.36 of 2016 in O.S.No.22 of 2015 on the file of the District Munsif Court, Attur.

For petitioner :: Mr.G.Justin

For respondents :: Mr.L.Rajendran

ORDER

The Trial Court entertained an application filed by the Inspector of Police, Thalaivasal, who is not a party to the suit in O.S.No.22 of 2015 and issued directions to the Tahsildar to file a report after inspection of the property with the assistance of surveyor. The said order is under challenge in this civil revision petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. There is no dispute that the Inspector of Police, petitioner in I.A.No.341 of 2016 is not a party to the suit in O.S.No.22 of 2015. The Trial Court entertained the application filed by the Inspector of Police and issued direction to the Tahsildar to measure the property. There is no question of filing a petition by a third party to the suit for inspection of the property with the assistance of surveyor. The learned Trial Judge appears to have committed a jurisdictional error by allowing the application in I.A.No.341 of 2016, without understanding the factual position that the petitioner in the said application was not made a party to the civil suit. I am therefore of the view that the impugned order is liable to be set aside.

4. In the result, the order dated 15 March 2016 is set aside. The application in I.A.No.341 of 2016 is dismissed.

5. The learned District Munsif, Attur, is directed to dispose of the civil suit as expeditiously as possible and in any case, on or before 31 March 2017.

6. The civil revision petition is allowed. No costs. Consequently,
C.M.P.No.5684 of 2016 is closed.

21.11.2016

Index:Yes/no
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To
The District Munsif, Attur

K.K.SASIDHARAN, J.

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