

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1581 of 2016

&

C.M.P.No.8523 of 2016

A.Dhanalakshmi

... Petitioner

vs

G.Subashri

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order passed in I.A.No.1604/2012 in O.S.No.4853 of 2004 dated 01.12.2015 on the file of XIV Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.Natana Rajan

For Respondent : Mr.S.Krishnawamy

ORDER

This revision challenges the order of learned XIV Assistant Judge, City Civil Court, Chennai, passed in I.A.No.1604/2012 in O.S.No.4853 of 2004 dated 01.12.2015.

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

C.T.SELVAM, J

kpr

3. In accepting the Advocate Commissioner's report pursuant to orders passed by it in O.S.No.4835 of 2004 despite objections informed by the petitioner/plaintiff, Court below has taken note of the position that the question of encroachment on the suit property would be one, which has to be decided by it and further the suit has been pending over more than ten years. We find no reason to interfere with the decision of the Court below. Even so, this court would observe that objections to the Commissioner report raised by the petitioner may be considered by the Court below at the final adjudication of the case. Any observation made herein above is not to be read as informing any position on the merits of the case.

Accordingly, the Civil Revision petition is dismissed. No costs. Connected miscellaneous petition is closed. Court below is directed to dispose of the case as expeditiously as possible within a period of four months from the date of receipt of a copy of this order.

08.08.2016

Internet:yes

To

The XIV Assistant Judge, City Civil Court, Chennai.

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