

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2105 of 2016
& Crl.M.P.No.11034 of 2016

A.Shanbagam

... Petitioner

vs

A.Arasu

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside order passed in I.A.No.1108 of 2015 in O.S.No.77 of 2013 by its fair and decretal order dated 22.02.2016 passed by the the Additional District Munsif, Vaniyambadi.

For Petitioner : Mr.P.Chandrasekar

For Respondent : No appearance

ORDER

This revision challenges the order of learned Additional District Munsif, Vaniyambadi passed in I.A.No.1108 of 2015 in O.S.No.77 of 2013 on 22.02.2016.

2. Petitioner/plaintiff filed O.S.No.77 of 2013 seeking relief of

permanent injunction and moved I.A.No.1108 of 2015 for amendment of plaint incorporating the relief of declaration and recovery of possession. The court below taking note of the delayed approach of the petitioner, observed that the report and plan of the Advocate Commissioner appointed in this case reveal that the encroachment alleged by the petitioner cannot be made out. It further took note of the position that the petitioner had informed the date of encroachment as 24.07.2014, i.e., two days prior to the visit of Advocate Commissioner. In memo handed over to the Advocate Commissioner, no such detail has been found. In the circumstances, this court finds no error in the order under challenge.

6. The Civil Revision Petition stand dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

15.07.2016

Index:yes/no
Internet:yes
vrc

To

The Additional District Munsif,
Vaniyambadi.

C.T.SELVAM, J

vrc

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