

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)No.2221 of 2016
and
CMP No.11500 of 2016

1. Palaniammal
2. Sekar
3. Jaisankar
4. Laxmi

... Petitioners

VS

- Rasu (died)
1. Swaminathan
 2. Ramayammal
 3. Valarmathi
 4. Palaniammal
 5. Arulanandan
 6. Satheesh

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the petition and order dated 24.3.2016 passed in E.P.No.8 of 2015 in O.S.No.18 of 2011 on the file of Principal District Munsif, Bhavani.

For Petitioners : Mr.P. Immanuel Prakasam

ORDER

Pursuant to the decree passed in O.S.No.18 of 2011 for mandatory injunction, the respondents/plaintiffs filed an Execution Petition in E.P.No.8/2015. By Order dated 24.03.2016, the Executing Court appointed an Advocate Commissioner for executing the decree. Challenging this order, the Judgement Debtors have filed the above Civil Revision Petition.

2. The learned counsel appearing for the petitioners submitted that instead of appointing an Advocate Commissioner, a Revenue Official may be appointed to identify the property for executing the decree.

3. Since the Advocate Commissioner is an Officer of the Court, I am of the view that it would be suffice to appoint an Advocate Commissioner for executing the decree. It is needless to say that the Executing Court is bound by the decree passed by the trial Court. The learned counsel also submitted that the decree, passed by the trial court in O.S.No.18 of 2011 was also confirmed by the lower Appellate

Court in A.S.No.30 of 2014. In view of the same, I do not find any merit in the Civil Revision Petition and the Civil Revision Petition stands dismissed. No costs. Consequently, connected CMP is closed.

22-07-2016

sr

Index:no
website:yes

To

The Principal District Munsif, Bhavani.

M. DURAISWAMY,J.,

sr

C.R.P.(NPD)No.2221 of 2016

20-07-2016

