

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) NO.2878 OF 2017
AND CMP NO.13582 OF 2017

1.Amsaveni
2.Subramani

... Petitioners

Vs.

Palaniammal

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 14.03.2017 passed in I.A.No.31 of 2017 in I.A.No.16 of 2016 in A.S.No.27 of 2015 on the file of Sub Court, Sathyamangalam.

For Petitioners : Mr.K.Mukund Rao

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ORDER

This Civil Revision Petition is directed against the dismissal of the interlocutory application filed to reopen the case and for a direction

to the Advocate Commissioner to revisit the property to find out the possession.

2. It is the contention of the petitioners that the finding of possession by the Advocate Commissioner in favour of the respondent is incorrect and therefore, the Court shall direct the Advocate Commissioner to revisit the property in order to find out as to who has encroached the suit property.

3. Admittedly, an Advocate Commissioner was appointed and he inspected the suit property and measured it with the assistance of the Land Surveyor. If at all the petitioners are aggrieved over the same, they can file their objection and prove their case by suitable evidence. Instead asking for a direction to the Advocate Commissioner to revisit and find out the possession or encroachment is unsustainable in law. The Trial Court has rightly dismissed the application and the order passed by the Trial Court does not warrant any interference. It is open to the petitioners to file objections if any before the Trial Court, if they chooses to do so.

4. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

16.08.2017

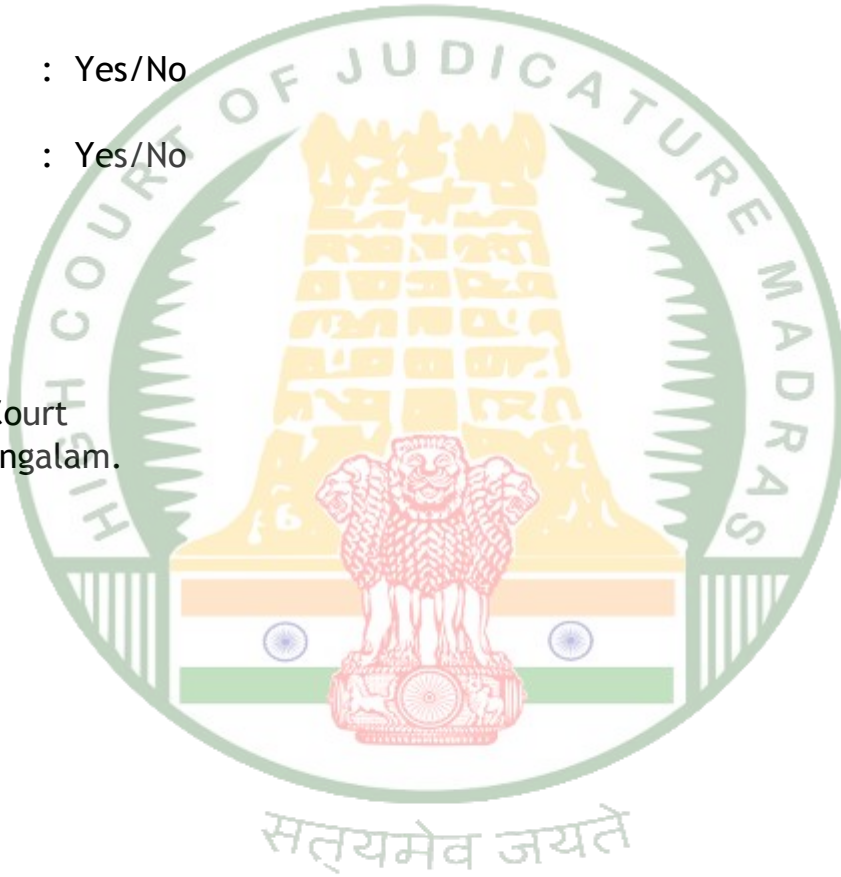
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To

The Sub Court
Sathyamangalam.



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M.GOVINDARAJ, J.

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