



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.03.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP (PD) (MD) No.1103 of 2015
and
M.P. (MD) No.1 of 2015

A.Romeo Juliet ... Petitioner/Respondent/Defendant

vs.

K.Srinivasan ... Respondent/Petitioner/Plaintiff

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decreetal order dated 13.10.2014 passed in I.A.No.447 of 2013 in O.S.No.145 of 2010 on the file of the II Additional District Court, Trichirappalli.

For Petitioner : Mr.R.Suresh Kumar

For Respondent : Mr.S.k.Mani.

ORDER

The decree holder who is the respondent in this Revision Petition, has filed I.A.No.447 of 2013 to pass final decree in his mortgage suit wherein preliminary decree was passed on 08.11.2012, in the said application, the schedule of property was not properly described and it was different to that of the description of the property described in the preliminary decree. However, erroneously, the final decree was drafted describing wrong description of the property. Hence, the present revision petition is filed on the ground that the Lower Court failed to see the description of the property in the suit in O.S.No.145 of 2010 and the description of the property mentioned in I.A.No.447 of 2013 and without noting the fact that the two description are entirely different, final decree has been passed. The learned counsel for the respondent fairly submitted that there is some error in the description of the property and the final decree was passed as such.

2.Taking note of the submission of the respective learned counsel the revision petition is allowed. The decree holder is at liberty to take out fresh application by giving the correct description of the property. With the above directions the



Revision Petition is allowed and connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS I)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

The Judge,
II Additional District Court,
Tiruchirappalli.

+1cc to Mr.R.SureshKumar, Advocate, SR.17746

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MM/MYR
kk/SV MMS/20.04.2016-2P-3C