

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

C.R.P.No.1670 of 2017

ORDER

This revision is filed seeking to direct the learned Senior Civil Judge, Rajam to dispose of I.A.No.136 of 2012 in O.S.No.37 of 2002 pending on his file.

2. The petitioners/plaintiffs filed O.S.No.37 of 2002 on the file of Senior Civil Judge, Rajam, for partition of plaint schedule properties. In the said suit, a preliminary decree was passed allotting 1/3rd share each to the parties. Thereafter, the petitioners filed I.A.No.328 of 2006 to appoint Advocate Commissioner for division of plaint schedule properties and the same was allowed. The Advocate Commissioner, after verifying the boundaries, submitted his report. Now, the grievance of petitioners is that since the Advocate Commissioner has not conducted enquiry with regard to mesne profits, they filed I.A.No.136 of 2012 seeking to redirect the Advocate Commissioner to conduct enquiry about mesne profits. The respondents filed counter stating that they have no objection to appoint another Advocate Commissioner to conduct enquiry with regard to mesne profits.

3. Considering the facts and circumstances of the case and in view of pendency of the impugned application since 5 years, I deem it appropriate to direct the Court below to dispose of I.A.No.136 of

2012 in O.S.No.37 of 2002 in accordance with law, within a period of 30 days from the date of receipt of a copy of this order.

4. With the above direction, the Civil Revision Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.

M.S.K. JAISWAL, J.

21st March, 2017
sj

