

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(NPD).No.1008 of 2018

and

C.M.P.No.5379 of 2018

L.Kannan

.. Petitioner

Vs.

M.Kuppusamy

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 08.01.2018 made in I.A.No.6 of 2018 in R.C.O.P.No.32 of 2014 passed by the learned I Additional District Munsif, Erode and prays to set aside the same.

For Petitioner : Mr.B.Kumarasamy

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सत्यमेव जयते

ORDER

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The Civil Revision Petition is taken up for final disposal at the admission stage itself.

2.According to the revision petitioner, the petitioner has filed an

application to set aside the exparte order passed against the petitioner to condone the delay in presenting the said petition. The above said condone delay application was dismissed on 03.03.2017 and the petitioner preferred CRP (NPD) No.1320 of 2017 before this Court and the same was allowed by this Court on 11.04.2017. The respondent filed E.P.No.55 of 2016, pursuant to the exparte order dated 06.06.2016 and ordered for delivery of possession of the property on 20.06.2017. Thereafter, the exparte order dated 06.06.2016 passed in R.C.O.P.No.32 of 2014 was set aside by the Court in CRP.(NPD). No.1320 of 2017 dated 03.03.2017.

3.The respondent who obtained the exparte order forcibly has taken possession of the property and he has also unlawfully obtained electricity service connection for that portion on 20.05.2017. Hence, the petitioner has filed a petition under Section 18-A of TN.B(L&R) Act and Order 26 Rule 9 & 10 of the Code of Civil Procedure to appoint Advocate Commissioner and directing him/her to note down the physical features and submit the report.

4.The petitioner already filed an application in I.A.No.546 of 2017 for restoration of the portion of the property, which was occupied by the respondent is still pending before the Court below. The Court

below has rightly dismissed the application in I.A.No.6 of 2018 in R.C.O.P.No.32 of 2014 filed by the petitioner. Hence, no case is made out to entertain the Civil Revision Petition.

5. Therefore, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

19.03.2018

Speaking/Non-Speaking order
Index :Yes/No
Internet:Yes/No

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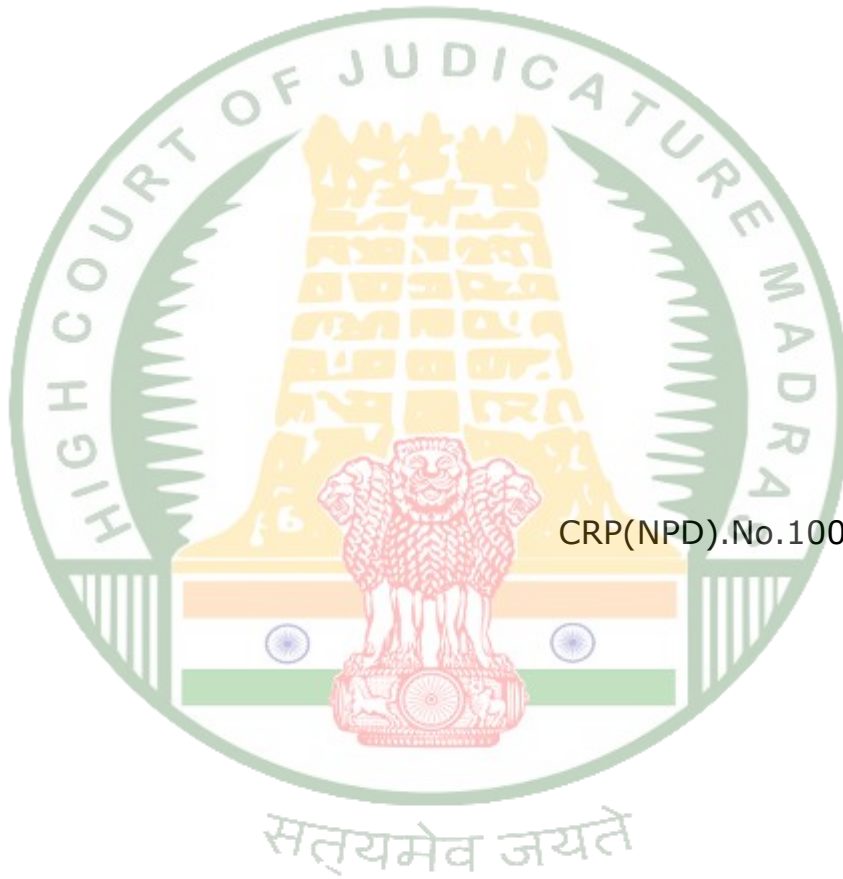
The I Additional District Munsif,
Erode.



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