



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.749 of 2018

and

C.M.P (MD) No.3301 of 2018

1.Anthonysamy

2.A.Reetha Mary

... Revision Petitioners/Petitioners/
Defendants

Vs.

Kanagavel

... Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order, dated 04.12.2017 in I.A.No.39 of 2017 in O.S.No.47 of 2012 on the file of the District Munsif Court, Virudhunagar and allow the Civil Revision Petition.

For Petitioner : Mr.K.Sekar

For Respondent : Mr.P.Santhosh Kumar

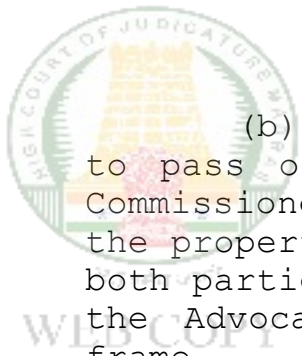
O R D E R

The petitioner has filed this Civil Revision Petition challenging the rejection of the petition filed by the petitioner in I.A.No.39 of 2017 for re-issue the warrant to the Advocate Commissioner and to re-inspect the property by the Advocate Commissioner.

2.Though the respondent had strongly objected for issuance of warrant and for re-inspection by the Advocate Commissioner, this Court is of the absolute view that the Advocate Commissioner Report is always morefully helpful to the parties concerned for early disposal of the suit. Therefore, no prejudice would be caused to the respondent in this case.

3.In the result,

(a) the Civil Revision Petition is allowed by setting aside the order passed by the District Munsif Court, Virudhunagar in I.A.No.39 of 2017 in O.S.No.47 of 2012, dated 04.12.2017.



(b) The learned District Munsif, Virudhunagar is directed to pass orders by re-issuing the warrant to the same Advocate Commissioner and directing the Advocate Commissioner to re-inspect the property and to file a report within a period of two weeks and both parties are directed to co-operate for an early inspection by the Advocate Commissioner and to file a report within a time frame.

(c) After filing the report by the Advocate Commissioner on his re-inspection, both the parties are permitted to file objections, if any, within a period of two weeks thereafter, to the Advocate Commissioner's report based on the re-inspection.

(d) Based on the report filed by the Advocate Commissioner, the Trial Court is directed to dispose of the suit in O.S.No.47 of 2012 within a period of three months thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif Court,
Virudhunagar.

2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2copies)

+ 1 cc TO Mr.K.Sekar , Advocate in SR No. 59746

am

AE/KKR/SAR2/23.04.2018/2P/5C

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