



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.1922 of 2017

and

C.M.P. (MD) .No.9902 of 2017

S.Maheswaran : Petitioner/respondent/respondent/defendant

Vs.

1.R.Irulayee Ammal

2.A.Sandhanam : Respondents/Petitioners/Petitioners/Plaintiffs

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 16.06.2017, made in I.A.No.1300 of 2016 in I.A.No.1056 of 2014 in O.S.No.6 of 2010, on the file of the Additional District Munsif Court, Srivilliputhur.

For Petitioner : Mr.M.Ashok Kumar

For Respondents : Mr.R.Karunanidhi

O R D E R

The above Civil Revision Petition has been filed challenging the order dated 16.06.2017, made in I.A.No.1300 of 2016 in I.A.No.1056 of 2014 in O.S.No.6 of 2010, on the file of the Additional District Munsif Court, Srivilliputhur.

2. Now the plaintiffs have filed an application in I.A.No.1300 of 2016 stating that the Advocate Commissioner could not measure the property because of the bushes and hence, he filed an application to remove the bushes with the cost of the plaintiffs, which was allowed by the learned Trial Judge, directing both the parties to remove the bushes on their respective places within 15 days, against which the present CRP has been filed by the defendant.

3. Already, Advocate Commissioner was appointed in I.A.No.1056 of 2014 against which CRP (MD) No.2471 of 2014 has been filed and this Court by order dated 27.01.2015, dismissed the same by concluding that Advocate Commissioner is necessary for the purpose of elucidating the matter in dispute. It is seen that the Advocate Commissioner was not able to measure the property, because of standing bushes and Karuvella trees in the properties. If the bushes are removed, it would be helpful for the Advocate Commissioner to measure the property and file his report.



4. Therefore, in my considered opinion in the interest of justice, the learned Judge may direct the Advocate Commissioner to remove the bushes by engaging person in the presence of the petitioner and respondents and the plaintiffs shall bear the expenses for the same and thereafter, the Commissioner shall file the report as per the warrant and such exercise shall be completed within 20 days from the date of receipt of a copy of this order.

5. With the above direction the Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Munsif
Additional District Munsif Court,
Srivilliputhur.
2. The Section Officer, (2 COPIES)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Ashok Kumar, Advocate Sr.No.42939

+1cc to Mr.R.Karunanidhi, Advocate Sr.No.42389

RM

VB/CVC/SAR2/01.03.2018/2P/6C

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