



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P.(MD)Nos.1215, 1216 & 1217 of 2018

and

C.M.P.(MD).No.5140 of 2018 in C.R.P.(MD).No.1215 of 2018

WEB COPY

1.Maruthambal

2.Thangammal

.. Petitioners/ Petitioners 2&3/
Respondents 2 &3 / Defendants 2&3
in all petitions

vs.

1.C.Chandrasekaran

.. 1st Respondent/Respondent/
Petitioner/ Plaintiff
in all petitions

2.Meenakshi

3.Chinnammal

.. Respondent Nos.2&3 / Petitioners 1&4/
Respondents 1&4/ Defendants 1&4
in all petitions

COMMON PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 15.03.2018 made in I.A.Nos.715/2017, 716/2017 and 797/2017 in O.S.No.1961 of 2006 on the file of the Principal District Munsif, Tiruchirappalli.

In all Petitions:

For Petitioner : Mr.R.Sundar Srinivasan
For Respondent No.1 : Mr.M.Saravanan
for Mr.R.Subramanian
For Respondent Nos.2 &3: No appearance

COMMON ORDER

The defendants 2 and 3 in O.S.No.196 of 2006 on the file of the learned District Munsif, Trichy are the revision petitioners herein.

2. The said suit has been laid by the first respondent herein seeking the relief of injunction and mandatory injunction. In the said suit an application for appointment of Advocate Commissioner for measuring the property and noting down the physical features was taken out. The said application was allowed and the Advocate Commissioner was also filed his report.

<https://hcservices.ecourts.gov.in/hcservices/>

3. It is the specific allegation of the revision



petitioners herein that the Court below did not receive the objections lodged by them in response to the Advocate Commissioner's report. The further allegation of the revision petitioners is that they were not put on notice before the inspection was done by the Advocate Commissioner. They also wanted to file an additional written statement for which also leave was denied. The revision petitioners also want re-issuance of the warrant. Seeking all these three reliefs, these three revision petitions have been filed.

4. Without going into the merits of the matter, I am of the view that these civil revision petitions can be allowed. The revision petitioners are not asking for scrapping of the earlier report, but then, they are entitled to lodge their objections.

5. Hence, the Court below is directed to receive the objections lodged by the revision petitioners with regard to the report of the Advocate Commissioner. The revision petitioners are also given liberty to file the additional written statement, which shall be taken on record. Since the revision petitioners complain that they were not present when the earlier inspection took place, the Court below is directed to re-issue the warrant so that the Advocate Commissioner can conduct a fresh inspection in the presence of both the parties and their counsel and file a fresh report.

6. The learned counsel for the revision petitioners undertakes that the revision petitioners and the learned counsel appearing before the Court below shall extend their fullest cooperation. This entire exercise shall be done within a period of four weeks from the date of receipt of a copy of this order. Since the suit is of the year 2006, the trial Court shall dispose of the same within a period of three months thereafter.

7. These Civil Revision Petitions stand allowed accordingly. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Principal District Munsif,
Tiruchirappalli.

+1CC TO MR.R.SUNDAR SRINIVASAN, ADVOCATE IN SR.NO.81047.

+1CC TO MR.R.SUBRAMANIAN, ADVOCATE IN S.R.NO.81364.

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