



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (NPD) (MD) No.1253 of 2018

and

CMP (MD) No.5290 of 2018

T.Alagesh ... Petitioner/Respondent No.1/Defendant No.1
Vs.

1.Minor jerlinroona

2.Minor Jerlin Supriya
(Minors rep.by their father
and next friend Seenivasan)..Respondents/Petitioners/Plaintiffs

3.Radha Martin

4.Monic Amutha ... Respondents/Respondents 2 & 3/Defendants 2 & 3

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed by the learned Principal District Judge, Tirunelveli in I.A No.295 of 2016 in O.S No.100 of 2013 vide order dated 26.04.2018.

For Petitioner : Mr.P.Saravanan for R.Anand
For Respondents : Mr.Meenakshi Sundaram,
Senior Counsel
for NGA Natraj for R1 & R2

For Respondents
3 & 4 : No appearance

ORDER

The first defendant in O.S No.100 of 2013 on the file of the Principal District Court, Tirunelveli is the revision petitioner herein. It is a suit for partition. Preliminary decree was passed. Thereafter, final decree application was taken out. An Advocate Commissioner has been appointed.The Advocate Commissioner complained to the court that he has been prevented from discharging his duty. Therefore, the court below directed the Advocate Commissioner to break open the premises for the purpose of executing the warrant. It is this order that is under challenge in this civil revision petition.

2.I am of the view that an Advocate Commissioner being an officer of the Court cannot be prevented from discharging his duty. The rights of the parties are in no way affected. Only when the rights of the parties are breached, the question of maintaining the civil revision petition will arise.

3. In this view of the matter, finding no merit in this civil revision petition, it stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar (CS-III)

To

The Principal District Judge,
Tirunelveli.

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SKM

ES/PM/SAR 3/19.12.2018/2P/2C