



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.1126 of 2016

and

C.M.P. (MD) .No.5628 of 2016

Mariamammal .. Petitioner/Petitioner/Plaintiff

/Vs./

Murugaraj .. Respondent/Respondent/Defendant

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.275 of 2014 in O.S.No.344 of 2012, dated 10.02.2015, on the file of the Additional District Munsif Court, Sankarankovil.

For Petitioner : Mr.F.X.Eugene
For Respondent : Mr.V.Sasikumar

ORDER

The plaintiff in O.S.No.344 of 2012 on the file of the Additional District Munsif Court, Sankarankovil, is the revision petitioner herein. It is a suit for declaration, permanent injunction and mandatory injunction. Since the identity of the property was disputed, Advocate Commissioner was appointed. It appears that the Advocate Commissioner could not locate the property. Therefore, the petitioner herein applied for re-issuance of the warrant. The said application was dismissed by order, dated 10.02.2015. The correctness of the said order is questioned in this Civil Revision Petition.

2.Heard the counsel on either side.

3.I am of the view that if the Advocate Commissioner takes the help of the Taluk Surveyor to locate the schedule mentioned property, the scope of controversy can be suitably minimised. It is not necessary to measure the entire extent of the lay out. The re-issuance of the warrant is only in respect of the suit schedule property. The Advocate Commissioner will have to take the



assistance of the Taluk surveyor. The court below shall fix the remuneration and also the exact terms of the warrant.

4. With these clarifications, the order impugned in this Civil Revision petition is set aside and accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The Additional District Munsif,
Sankarankovil.

+ 1 CC TO Mr.V.SASIKUMAR, ADVOCATE IN SR No. 81508
+ 1 CC TO Mr.F.X.EUGENE, ADVOCATE IN SR No. 81817

TM
TE/PM/SAR-3 : 05/10/2018 : 2P/4C

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