



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD).No.2155 of 2016

and

C.M.P. (MD)No.10061 of 2016

1.Chinthamoni
2.Gomathi Amma

... Petitioners

Vs.

Latha

... Respondent

PRAYER : Petition filed under Section 227 of Constitution of India, to set aside the fair and decreetal order dated 15.09.2016 passed in I.A.No.315 of 2016 in O.S.No.126 of 2015 on the file of I Additional District Munsif Court, Kuzhithurai.

For petitioners : Mr.M.R.Sreenivasan

For respondent : Mr.B.Christopher

ORDER

The defendants in O.S.No.126 of 2015 on the file of the I Additional District Munsif, Kuzhithurai, are the revision petitioners herein. The said suit has been filed for the relief of declaration of easement right of pathway and other reliefs. In the said suit, an advocate commissioner was appointed and she has also filed her report. Thereafter, the plaintiff filed I.A.No.315 of 2016 for re-issuance of the warrant. The said application was allowed by order dated 15.09.2016. Questioning the same, this Civil Revision Petition has been filed.

2.Heard the learned counsel for the revision petitioners, who reiterated the contentions set out in the memorandum of grounds. It is true that the plaintiff has not asked for scrapping of the earlier report. But then, the plaintiff has no grievance, with regard to the original report. The re-issuance has become necessary because of some subsequent developments said to have taken place.

<https://hcservices.ecourt.gov.in/hcservices/> This Court finds no error in the order impugned in this Civil Revision Petition. There is no merit in this Civil Revision Petition. In any event, the right of the petitioners is not going



to get affected in any manner. The revision petitioners can lodge objections to the report of the advocate commissioner, if it is adverse.

4. With these observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-I)

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To:

1. I Additional District Munsif, Kuzhithurai.

2. The Record Keeper, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. R. Nanda Kumar, Advocate in SR No. 82717

C.R.P. (PD) (MD) .No.2155 of 2016
and
C.M.P. (MD) No.10061 of 2016

NM/PM/SAR I/24.10.18/2P/5C.