



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.2191 of 2016

and

C.M.P. (MD) .No.10168 of 2016

S.Natarajan

.. Petitioner/Respondent/ Defendant

vs.

1.O.Kasimayan

2.K.Kamala

.. Respondents/Petitioners/

Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against fair and decreetal order dated 02.07.2016 passed in I.A.No.419 of 2015 in O.S.No.114 of 2015 on the file of the District Munsif Court, Theni.

For Petitioner

: Mr.R.J.Karthick

For Respondents

: Mr.M.Senthil Kumar

ORDER

The defendant in O.S.No.114 of 2015 on the file of the learned District Munsif, Theni is the revision petitioner herein. The suit has been instituted by the respondents herein seeking the relief of declaration as well as mandatory injunction. The plaintiffs are the owners of Plot No.112. The defendant is the owner of Plot No.111. The Court below has appointed an Advocate Commissioner by allowing the I.A.No.419 of 2015 by order dated 02.07.2016. The Court below has directed the Advocate Commissioner to measure the disputed portion alone. But what is the disputed portion would emerge, only if both the plots are measured. Therefore, the order impugned in the Civil Revision Petition is modified. The Court below is directed to issue a fresh warrant to the Advocate Commissioner directing him to measure the plots of both the parties. With this modification, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To
The District Munsif, Theni.

Copy to
The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. 2 copies

- 1 CC TO Mr.R.J.Karthick , ADVOCATE IN SR No. 82925.
- + 1 CC TO Mr.M.Senthil Kumar , ADVOCATE IN SR No.82733.
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- PJJ
- DS SKN SAR3 13 11 2018 2P 6C

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