



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (NPD) No.1604 of 2018

and

C.M.P. (MD) No.7051 of 2018

Mayilambal

...Petitioner/Respondent/
Defendant

/Vs./

Saroja Ammal

...Respondent/Petitioner/
Plaintiff

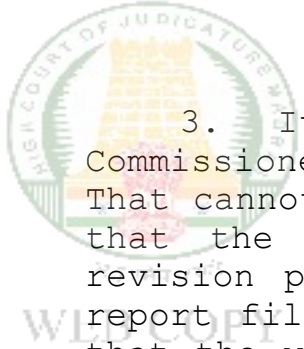
Prayer: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 09.06.2018 by the learned Principal District Munsif, Kumbakonam made in E.A.No.371 of 2017 in E.P.No.45 of 2011 in O.S.No.18 of 1998.

For Petitioner: Mr.K.K.Senthil Velan

For Respondent: Mr.G.Gomathi Shankar

ORDER

The defendant in O.S.No.18 of 1998 on the file of the Principal District Munsif Court, Kumbakonam is the revision petitioner herein. It is a suit for demarcation. It was decreed on 21.12.2000. E.P.No.45 of 2011 was filed to enforce the said decree. In the said EP, an Advocate Commissioner was appointed and he filed his report. But thereafter, he passed away. Therefore, the second Advocate Commissioner has been appointed and he was issued with fresh warrant. He filed his report. The revision petitioner submitted her objections. The revision petitioner wanted the said report to be scrapped. Therefore, E.A.No.371 of 2017 was filed. The Court below by order dated 09.06.2018 dismissed the said EA. Challenging the same, this civil revision petition has been filed.



3. It is submitted that the report of the present Advocate Commissioner is at variance with the report of the earlier one. That cannot be a ground for scrapping the report. It is submitted that the Advocate Commissioner is yet to be examined. The revision petitioner can examine the Advocate Commissioner on the report filed by him. If thereafter the Court below is satisfied that the warrant has not been carried out properly, the Court can always take a decision. Therefore, leaving open the contentions available to the revision petitioner herein, this Court holds that it is not necessary to scrap the Advocate Commissioner's report at this stage.

4. With these observations and liberty to the petitioner, this civil revision petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS-I)

To

The Principal District Munsif,
Kumbakonam.

+ 1 CC TO MR.K.K.SENTHIL VELAN, ADVOCATE IN SR NO.89698

SM

BU/RSK/SAR-1:09.11.2018 : 2P/3C

Order made in
C.R.P. (MD) (NPD) No.1604 of 2018
09.10.2018