



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.2089 & 2090 of 2018 and
C.M.P.(MD)No.9244 of 2018

1. Muthammal
2. Veeralakshmi

... Petitioners/Petitioners/
Plaintiffs
in both petitions

Vs.

1. Paripooranam
2. Manickavasagam

... Respondents/Respondents/
Defendants
in both petitions

COMMON PRAYER : Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the orders passed in I.A.Nos.894 and 895 of 2018 in O.S.No.1 of 2014, dated 17.09.2018 on the file of the District Munsif Court, Srivaikundam.

(in both petitions)

For Petitioners : Mr.H.Arumugam

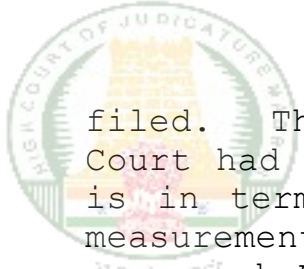
For Respondents : Mr.Robert Chandrasekar

COMMON ORDER

The plaintiffs in O.S.No.1 of 2014 on the file of the District Munsif, Srivaikundam, are the Revision petitioners herein. It is a suit for declaration, mandatory injunction and permanent injunction. The plaintiffs' allegation is that encroachment has been committed by the defendants. An Advocate Commissioner was appointed. She filed a report. To scrap the same, I.A.Nos.894 and 895 of 2018 were filed. The Court below by the orders impugned in these Civil Revision petitions dismissed the said Interlocutory applications. Questioning the same, these Civil Revision petitions have been filed.

2. Heard the learned counsel on either side.

3. The Advocate Commissioner earlier filed a report and warrant was reissued to her. Thereafter, one more report was



filed. The same is enclosed in the typed set of papers. This Court had a look at paragraph No.4 of the report. The measurement is in terms of feet. But when the enclosed sketch is seen, the measurement is in meters. I am unable to tally the contents of paragraph No.4 of the report with the enclosed sketch.

4. In this view of the matter, I am of the view that the report filed by the Advocate Commissioner has to be scrapped. The Court below shall appoint a new Advocate Commissioner and issue a fresh warrant incorporating the same terms which were originally settled. The Revision petitioners herein will of course have to bear the cost of the Advocate Commission.

5. Therefore, the orders impugned in these Civil Revision petitions are set aside. These Civil Revision petitions stand allowed, accordingly.

6. The Court below shall ensure that the newly appointed Advocate Commissioner will complete the work within a period of four weeks from the date of receipt of a copy of this order. The suit itself shall be disposed of within a period of three months, thereafter. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Munsif,
Srivaikundam.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.H.ARUMUGAM, ADVOCATE IN SR No. 89760

+ 1 CC TO Mr.I.ROBERT CHANDRAKUMAR, ADVOCATE IN SR No. 89537

PMU

TE/SKN/SAR-4 : 14/11/2018 : 2P/6C

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