



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1944 of 2018 (PD)

and

C.M.P. (MD) No.8576 of 2018

Maheen

Rep. by his Power of Attorney

K.Musthafa

... Petitioner

Vs.

V.Seyyed

... Respondent

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decreetal order dated 19.10.2016 made in E.A.No.55 of 2016 in E.P.No.45 of 2015 in O.S.No.256 of 2010 on the file of the Principal District Munsif, Kuzhithurai.

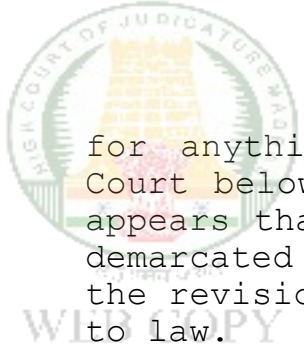
For Revision Petitioner : Mr.P.Thiagarajan

ORDER

The revision petitioner filed O.S.No.256 of 2010 on the file of the Principal District Munsif, Kuzhithurai, seeking the relief of demarcation. It was decreed on 13.03.2015. To execute the said decree, E.P.No.45 of 2015 was filed. An Advocate Commissioner was also appointed. It appears that within the demarcated boundaries, there lies an old building. The plaintiff / decree holder wanted the Advocate Commissioner to remove the said superstructure also. But, the Advocate Commissioner did not do so. Hence, to direct the Advocate Commissioner to cause removal of the said building, the revision petitioner filed E.A.No.55 of 2016. The same was dismissed by order dated 19.10.2016, which is questioned in this civil revision petition.

2. Heard the learned Counsel for the revision petitioner.

3. This Court is of the view that when the revision petitioner obtained a decree only for demarcation, he cannot ask



for anything more than that in the execution proceedings. The Court below rightly held that it cannot go beyond the decree. It appears that the work of demarcation is over. If, within the said demarcated boundary, there is an offending structure, it is for the revision petitioner to work out his rights in the manner known to law.

4. Thus, reserving the right of the revision petitioner to seek removal of the superstructure in the manner known to law, the order impugned in the civil revision petition is sustained. This Civil Revision Petition is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

The Principal District Munsif,
Kuzhithurai.

+1 CC To MR.P.THIAAGARAJAN, Advocate SR. NO. 83817

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GK

TR/RP/SAR-IV(03.10.2018) 2P 3C