

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No.125 of 2019

and

C.M.P.No.1138 of 2019

S. Umadevi ... Petitioner/Defendant

Vs

A.Sudha ... Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 14.09.2018 passed in I.A.No.648 of 2018 in I.A.No.975 of 2015 in O.S.No.421 of 2013 on the file of the learned Principal District Munsif, Poonamallee.

For Petitioner : Ms.T.Muthamilselvi

For Respondent : Mr.S. Sathish Rajan

ORDER

The above Civil Revision Petition is filed challenging the order of dismissal of the application filed by the defendant/revision petitioner seeking to scrap the report filed by the Advocate Commissioner on 17.04.2018 and to direct the Surveyor to inspect the Survey Nos.29, 39/1A and 39/1B and file a report and FMB Sketch.

2.From the records, it is seen that an Advocate Commissioner has been appointed earlier to measure the suit properties with the help of the Surveyor. It is also seen that the Advocate Commissioner has visited the properties identified the same with the help of Taluk Surveyor and submitted a report and FMB sketch. The Advocate Commissioner having executed the warrant, the revision petitioner cannot now seek to scrap the report only on the ground

that the Commissioner and the Surveyor have found an encroachment into Survey No.39/1A by the person occupying Survey No.29. Convincing reasons have not been given for scraping the report already filed which is supported by the report filed by the Surveyor. I find no infirmity in the order passed by the learned Principal District Munsif, Poonamallee.

This Civil Revision Petition is dismissed. The learned Principal District Munsif, Poonamallee, is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/
SUB-ASSISTANT REGISTRAR

mps

To

The Principal District Munsif,
Poonamallee.

+1CC to Mr.S. Sathish Rajan Advocate SR.NO.19184

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MK:12/06/2019

सत्यमेव जयते
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