



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19..12..2019

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.4192 of 2019

&

C.M.P.No.27303 of 2019

1.Saradhambal
2.Chandrasekar

.. Petitioners/Plaintiffs

-Versus-

Sellammal (Deceased)

1.Jeevanandham
2.Shanthi
3.Sellammal
4.Chandra
5.Lakshmi

.. Respondents/Defendants 2 to 6

Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 31.10.2019 made in I.A.No.2 of 2019 in I.A.No.365 of 2015 in O.S.No.212 of 2010 by the Principal District Munsif, Namakkal, Namakkal District.

For Petitioner : Mr.N.S.Sivakumar

ORDER

This civil revision petition is filed against the order of the learned Principal District Munsif, Namakkal, dismissing the application filed by the petitioner for re-issuance of warrant to the Advocate Commissioner for revisit and measurement of the suit property.

2. This civil revision petition is coming up today for admission. I have heard the learned counsel for the petitioner and perused the records carefully.

3. The petitioners are the plaintiffs in the suit. The suit has been filed for declaration and permanent injunction. In the above suit, at the instance of the respondents an Advocate Commissioner was appointed earlier and the Advocate Commissioner after inspecting the property filed in report along with a rough plan. Even though originally the petitioner did not chose file objection, subsequently, on the application filed by them, they



were permitted to file their objections to the Advocate Commissioner's report. Accordingly, the objection filed by the petitioners was taken on file by the court below. Thereafter, the petitioners filed the application under revision on the ground that they are having property 3 feet on the north of 'AB' point. The court below dismissed the application holding that the plaintiffs were earlier permitted to file their objection and the objection was also taken on file. Thereafter, the application for re-issuance of warrant of commission has been filed and absolutely there was no material to show that the petitioners were having 3 feet of land next to 'AB' point. On considering the available materials, this court finds no illegality or irregularity in the order of the court below warranting interference by this court. Thus, the civil revision petition is devoid of merits and the same is liable only to be dismissed. However, considering the fact that the suit is pending since 2010, the court below is directed to take the trial of the suit and dispose of the suit within a period of six months from the date of receipt of a copy of this order.

In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected CMP is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

kmk

To

1.The Principal District Munsif,
Namakkal, Namakkal District.

+1cc to M/s.N.S.Sivakumar, Advocate, SR. No. 105608

Civil Revision Petition
No.4192 of 2019

RJI (CO)
RMP(14/07/2020)