



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

Review Application (MD)No.133 of 2014

in

CRP(PD) (MD)No.691 of 2005

Dias,

rep. by Power Agent

Dharmalingam

: Petitioner/Petitioner

Vs.

1.Titus

2.Elsi Bai

: Respondents/Respondents

PRAYER: Review Application is filed under Order XLVII Rules 1 and 2 r/w 114 of the Code of Civil Procedure to review the order passed in C.R.P.(PD)(MD)No.691 of 2005, dated 09.07.2007.

Prayer in C.R.P.(PD)(MD)No.691 of 2005:-

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order of the Principal District Munsif Court, Kuzhithurai in I.A.No.270/04 in O.S.No.117/04 dated 19.04.2005.

For Petitioner

: Mrs.J.Anandhavalli

ORDER

The petitioner has come up with this Review Application seeking to review the order passed by this Court in C.R.P.(PD)(MD)No.691 of 2005, dated 09.07.2007.

2. This Review Application has come up for admission today. I have heard the learned counsel appearing for the petitioner. I do not propose to issue notice to the respondents, in view of the nature of the order that is now passed.

3. The petitioner, in the Review Application, has not expressed any grievance regarding the order passed in issuing a direction for appointment of a fresh Advocate Commissioner. His grievance appears to be that the Commissioner, while measuring the property, may not note down the physical features. This



apprehension, in my considered view, is baseless, because, while measuring the property and while preparing a report, including a rough sketch, the Commissioner is bound to note down the physical features. The earlier order itself covered the same. Therefore, on that score, the order need not be reviewed.

4. The learned counsel for the petitioner would submit that there is no Taluk Surveyor available to assist the Commissioner to conduct survey. If it is so, it is always open for the Tahsildar to nominate a Qualified Surveyor for the said purpose. Thus, there is no ground to review the earlier order passed.

5. The Review Application is dismissed with the above observations.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

The Principal District Munsif, Kuzhithurai.

+1 cc to M/s.J.Anandhavalli, Advocate in SR.No. 68286

SML

CSL/SK/16.12.2016: 2P/3C

Order made in
Review Application (MD)No.133 of 2014

Dated:14.11.2016