



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (MD)No.1259 of 2019
and C.M.P. (MD)No.6977 of 2019

N.Kamalam : Petitioner/Respondent/Defendant

Vs.

K.Rajarajan : Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the above civil revision petition and thereby set aside the fair and decreetal order dated 05.03.2019 passed in I.A.No.639 of 2019 in O.S.No.936 of 2017 on the file of the II Additional Sub Judge, Madurai.

For Petitioner : Mr.B.Prahalad Ravi
For Respondent : Mr.A.Andithevan

ORDER

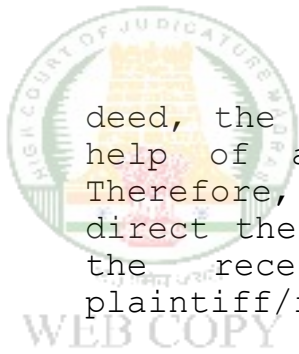
This Civil Revision Petition has been filed to set aside the order in I.A.No.639 of 2019 in O.S.No.936 of 2017, dated 05.03.2019 passed by the II Additional Sub Judge, Madurai.

2.The learned counsel appearing for the revision petitioner submitted that the Advocate Commissioner appointed for the purpose of measuring the property with the help of a Surveyor without any registered sale deed.

3.On the other hand, the learned counsel appearing for the respondent submitted that he has produced a copy of the sale deed at the time of passing order appointing an Advocate Commissioner to measure the property.

4.Heard the learned counsel appearing for the revision petitioner and the respondent.

5.The contention of the revision petitioner is that the sale deed was not produced at the time of passing orders whereas the respondent contented that it was produced at the time of passing orders before the Court below for appointment of an Advocate Commissioner. The Advocate Commissioner was appointed only to demarcate the suit schedule property. No doubt, without any sale



deed, the Advocate Commissioner cannot survey the property with the help of a Surveyor and demarcate the suit schedule property. Therefore, this Court is of the view that it would be appropriate to direct the Advocate Commissioner to measure the property only after the receipt of a copy of the sale deed from the plaintiff/respondent.

(*)"6. Both the petitioner as well as the respondent are directed to produce the copy of the sale deed details available with them to the Advocate Commissioner, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Advocate Commissioner shall complete the measurement of the suit schedule property, based on the sale deeds within a period of three weeks thereafter and file a report within a period of one week thereafter before the Court below. This Court also directs both parties to serve a copy of the sale deed available with them to each other."

7. With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

**(*) Amended as per
order of this Court
dt 15.11.2019 made
in REV.APLC(MD)
No.245/2019**

// True
Copy //

Sub Assistant
Registrar(CS)

To

To be substituted to the order already despatched as on 12.11.2019

The II Additional Sub Judge,
Madurai.

+1 CC to Mr.V.MARAGATHAVEL, Advocate (SR-88417[F] dated 23/09/2019)
+1 CC to MR.B.PRAHALAD RAVI, Advocate (SR-88708[F] dated
23/09/2019)

**C.R.P. (MD)No.1259 of 2019
20.09.2019**

GNS

MK (30.10.2019) 2P 4C

CS(08.11.2019) 2P 4C

<https://hcmvcs1.courts.gov.in/cases/> 2P 4C