

A. No.9039 of 2019
in
C.S.No. 712 of 2014

SENTHILKUMAR RAMAMOORTHY, J.

This application is filed to amend the order dated 11.12.2018 passed in Application No. 7712 of 2018 in C.S. No. 712 of 2014 by deleting the words “bearing present Door No.72” and insert the words “bearing New Door No.92” in the schedule of property mentioned in the said order dated 11.12.2018.

2. I heard the learned counsel for the applicant.

3. The learned counsel for the applicant submits that in the course of executing the warrant in Application No.7711 of 2018, the Advocate Commissioner had filed an interim report stating that the correct New Door Number is D.No.92 and not Door No.72 as specified in the warrant. The learned counsel for the applicant submits that he therefore filed both Applications Nos. 9038 and 9039 of 2019. He also pointed out that by order dated 04.12.2019 in Application No.9038 of 2019, the applicant was permitted to amend the plaint in C.S. No. 712 of 2014 by incorporating the correct Door Number. He further submits that pursuant to the said order, the plaint has been duly amended on 17.12.2019. Consequently, he

submits that the present application is purely consequential and may be ordered.

4. The learned Advocate Commissioner submits that he would require the Assistance of a Civil Engineer to execute the warrant effectively.

5. Upon considering the above submissions of the learned counsel for the applicant and on examining the affidavit in support of the application and the earlier order dated 04.12.2019, I am of the view that the applicant has made out a case to allow the present application, which is consequential to Application No. 9038 of 2019. Accordingly, this application is allowed by issuing the following directions.

(a) The order dated 11.12.2018 in Application No.7712 of 2018 in C.S.No. 712 of 2014 shall be amended by deleting the words “bearing present Door No.72” and inserting the words “bearing New Door No.92” in the schedule of property mentioned in the said order dated 11.12.2018.

(b) Consequently, the warrant shall be re-issued to the Advocate Commissioner by incorporating the correct Door No. 92 instead of Door No. 72 in the said warrant.

(c) The Advocate Commissioner is permitted to engage the services of an appropriate Civil Engineer and to file a memo of fees so as to fix the appropriate remuneration.

7. List the case in Application No.7712 of 2018 in C.S. No. 712 of 2012 on
07.01.2020

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02.01.2020



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