

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.2467 of 2018

and

CMP.No.15171 of 2018

R.V.Sathyamoorthy

..Petitioner

Vs.

- 1.P.Gothandapani
- 2.K.Ramesh
- 3.K.Ravichandran
- 4.K.Sankar
- 5.K.Murali
- 6.T.Sumathi
- 7.N.Ramasamy
- 8.N.Rajendra Kumar @ Raja
- 9.N.Radha Bai
- 10.Vijayashanmughasundaram
- 11.V.S.Navaneethakrishnan
- 12.Dr.V.Anand
- 13.V.Ramya
- 14.R.V.Jaya Prakash
- 15.R.V.Durairaj
- 16.R.V.Nandhakumar
- 17.R.V.Devakrishnaraj
- 18.R.V.BalaGangadhara Thilakar
- 19.Saroja
- 20.Bagyalakshmi
- 21.S.Chandrika

..Respondents

**PRAYER:**

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 02.08.2018 passed in IA.No.249 of 2018 in IA.No.40 of 2013 in OS.No.3 of 2003 on the file of the II Additional District Judge of Salem

For Petitioner : M/s.T.Dharani

For Respondents : No appearance

**ORDER**

This Civil Revision Petition is filed against the fair and decretal order dated 02.08.2018 passed in IA.No.249 of 2018 in IA.No.40 of 2013 in OS.No.3 of 2003 on the file of the II Additional District Judge of Salem, thereby disposed of the petition seeking direction to be issued to the advocate commissioner not to break open the lock with the assistance of the local police till the advocate commissioner identifying the petition mentioned property

2. The petitioner is the first defendant and the respondents are the plaintiffs. The respondent filed suit for partition. The suit was allowed and preliminary decree was passed. While pending final decree application, the petitioner filed petition seeking direction to be issued to the advocate commissioner not to break open the lock with the assistance of the local police till the advocate commissioner identifying

the petition mentioned property. The said petition was disposed of with direction to the advocate commissioner to inspect the suit property with the assistance of the Village Administrative Officer and Surveyor after giving notice to both the parties and identify the property with the aid of the documents available in the suit as pointed out by this Court in CRP.No.4052 of 2017 for division of the property as per the preliminary decree. Therefore, the petition filed by the petitioner is premature. As such, the court below rightly disposed of the petition and this Court finds no infirmity or illegality in the order passed by the court below.

3. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

29.07.2021

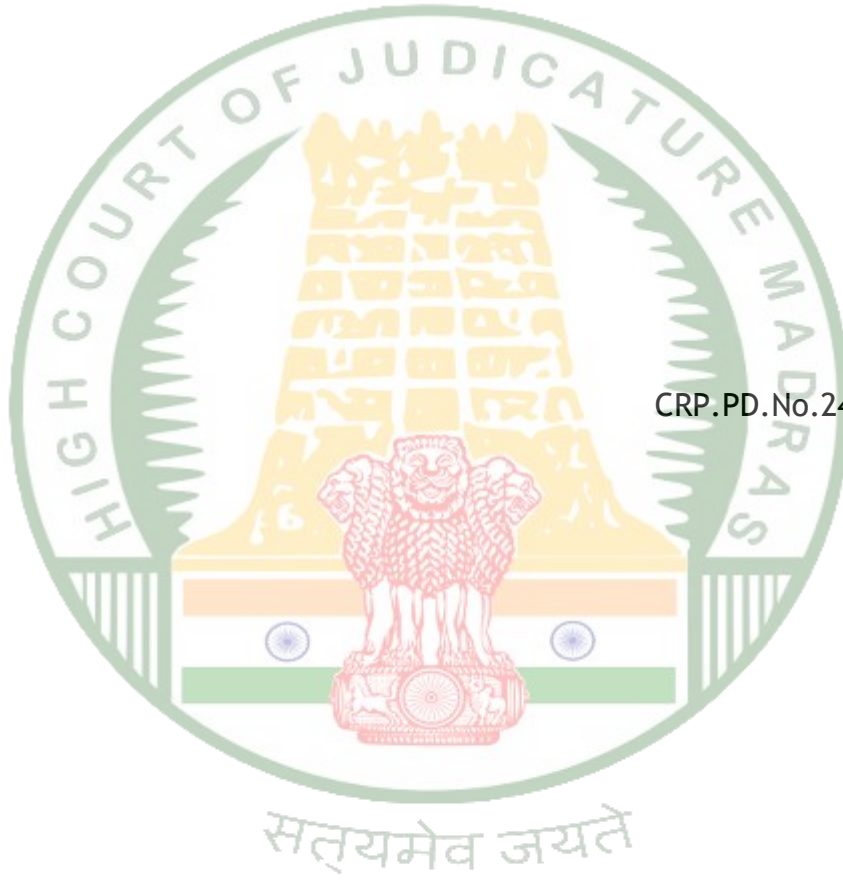
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To  
The II Additional District Judge,  
Salem

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**G.K.ILANTHIRAIYAN,J.**

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