



WEB COPY

C.R.P.(MD).No.799 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) .No.799 of 2021

and

C.M.P. (MD)No.4300 of 2021

Kaliyaperumal

...Petitioner/Petitioner/Defendant

Vs.

Meenatchi

...Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.03.2021 passed in I.A.No.99 of 2020 in O.S.No.38 of 2013 on the file of the Additional District Munsif Court, Kumbakonam and allow the present Civil Revision Petition.

For Petitioner : Mr.M.Saravanan
For Respondent : No appearance

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decreetal order, dated 04.03.2021 in I.A.No.99 of 2020 in O.S.No.38 of 2013 passed by the learned Additional District Munsif, Kumbakonam.

2.Heard the learned counsel appearing for the petitioner and perused the material documents available on record.

3.Though notice was served and name of the respondent was printed in the cause list, there is no representation on the side of the respondent.

4. The revision petitioner has filed a petition in I.A.No.99 of 2020 in O.S.No.38 of 2013 on the file of the District Munsif Court, Kumbakonam, to cancel the previous commissioner's report and surveyor's report and further seeking direction to the commissioner to inspect the property with the help of District surveyor. The said petition was dismissed on 04.03.2021 with the observation that already the commissioner had inspected the property with the help of surveyor. Already surveyor report was filed on 26.10.2015. Eventhough, in the plaint, the schedule of property was mentioned as vacant site, the commissioner's report shows that there was one hut and building with asbestos sheet with compound wall.



5.As per the commissioner's report and plan, there was a hut and building with asbestos sheet and compound wall inside the suit property. Therefore, it is not necessary to inspect the property to survey the land by the commissioner with the help of District surveyor.

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

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Additional District Munsif Court ,
Kumbakonam, Thanjavur District.

2.The Principal District of Munsif Court,
Kumbakonam, Thanjavur District.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-29819[F] dated 21/09/2021)

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