



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (PD) (MD) No.2302 of 2017

and

C.M.P. (MD) No.11153 of 2017

1.Mohammed Sha Aadam
2.Sabural Beevi
3.Sheik Mydeen

.. Petitioners/Petitioners/
Defendants

-vs-

1.N.Mohammed Ali
2.N.Muthumeeran
3.N.Peer Mohammed

.. Respondents/Respondents/
Plaintiffs

[R2 is represented by his Power Agent,
the 3rd respondent herein]

Prayer :- Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 09.11.2017 passed in I.A.SRNo.6730 of 2017 in O.S.No.198 of 2009 on the file of Additional District Munsif Court, Nanguneri.

For Petitioners : Mr.G.Venugopal

For Respondents : Mr.H.Arumugam
(R1 to R3)

ORDER

This Civil Revision Petition has been filed challenging the order dated 09.11.2017 in I.A.SR No.6730 of 2017 in O.S.No.198 of 2009 passed by the learned Additional District Munsif, Nanguneri.

2.The impugned application has been filed for re-issuing the warrant to the Advocate Commissioner appointed in I.A.No.322 of 2009 to note down the physical features of the suit property, the age of the property etc., all of which had been omitted to be noted down by the Commission in his earlier report.



3.The learned counsel on both sides agreed that it would be to the advantage of both parties, if the warrant is re-issued to the very same Commissioner, who shall proceed to inspect the property on the basis of the documents on either side.

4.In view of the above, this Civil Revision Petition is allowed and the order, dated 09.11.2017, passed by the learned Additional District Munsif, Nanguneri, in I.A.SR No.6730 of 2017 in O.S.No.198 of 2009 is set aside. The learned Judge shall number the Interlocutory Application as soon as orders of this Court is produced by either parties and issue warrant to the Advocate Commissioner. Both parties are at liberty to give necessary memo of instruction to the Commissioner. Such memo of instruction shall not repeat the exercise already undertaken by the Commissioner earlier. No costs. Consequently, connected miscellaneous petition is closed

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

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,
Nanguneri.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-39992[F] dated 22/12/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-40083[F] dated 22/12/2021)

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MGJ(28.01.2022) 2P 6C