



C.R.P.No.2826 of 2021
and
C.M.P.No.20503 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.R.P.No.2826 of 2021

and

C.M.P.No.20503 of 2021

1. R.Munvenkatappa

2. Prakash

... Petitioners

Vs.

1. J.Y.Venkatesh

2. Krishnaveni

3. Karthickraj

4. Jayanthkumar

5. Yellamma

... Respondents

Prayer: This Civil Revision Petition had been filed under Article 227 of the Constitution of India, against the fair and decreetal order of the learned District Munsif Court (FAC), Hosur dated 16.02.2021 in I.A.No.01 of 2019 in O.S.No.141 of 2016.



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For petitioners : Mr.T.M.Hariharan
For Respondents : Mr.R.Jayaprakash

ORDER

This Civil Revision Petition has been filed against the fair and decretal order of the District Munsif Court (FAC), Hosur dated 16.02.2021 in I.A.No.01 of 2019 in O.S.No.141 of 2016.

2. The learned Counsel for the Petitioners/Plaintiffs submits that in the suit filed by them, the Defendants have admitted in the written statement that the property was erroneously purchased by the father of the Plaintiffs from the same vendor of the Defendants. Subsequently dispute arose regarding the extent of the properties enjoyed by them. Both the parties had purchased the properties on the same day. It is the further submission of the learned Counsel for the Petitioners that as per the release deed dated 22.02.1965, registered as document No.436/1965 executed by one A.Yellamma, an extent of 2.86 acres in old Survey No.53/1A fallen to the share of Sandinti Venkataramappa. The said Sandinti Yellapa and Sandinti



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Venkatramappa have jointly sold an extent of 0.95 cents within the specific boundaries in old Survey No.53/1A out of total extent of Ac.2.86 cents to the Plaintiff's father J.Ramesh S/o. Jattaiappa @ Munivenkatappa, under a registered Sale Deed dated 23.02.1965, registered as document No.439/1965 SRO, Hosur. He would further submit that the First Defendant had executed a gift deed in his wife's name, the Second Defendant herein to an extent of acre 0.27 Cents in Survey No.53/7A1 along with other properties.

3. The learned Counsel for the Respondents submits that the learned trial Judge had observed in the order that no prejudice will be caused if the entire extent of property in S.No.53/1A is measured with the help of a Surveyor.

4. With the above direction, this Civil Revision Petition is allowed. The Advocate Commissioner appointed by the trial Court with the help of the Surveyor shall identify the property with the help of the Revenue Records. The same may be filed before the trial Court within one month from the date



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of receipt of a copy of this order. The learned District Munsif, Hosur shall further proceed with the suit as per law. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
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To

The District Munsif Court (FAC), Hosur



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SATHI KUMAR SUKUMARA KURUP, J.

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