



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2022

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THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P(MD)No.417 of 2021 &

CMP(MD)No.2267 of 2021

WEB COPY

1.P.Abdulsalam
2.A.Fathimarani

... Petitioners

Vs.

Muthukrishnan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order in IA.No.38 of 2018 in OS.No.56 of 2019 on the file of the District Munsif cum Judicial Magistrate, Thirupuvanam, dated 04.12.2020.

For Petitioners : Mr.M.Ashok Kumar

For Respondent : Mr.M.Ganesan

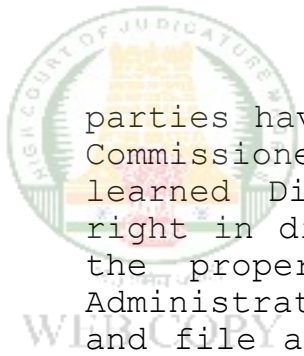
ORDER

This revision petition is filed to set aside the order in IA.No.38 of 2018 in OS.No.56 of 2019 on the file of the District Munsif cum Judicial Magistrate, Thirupuvanam, dated 04.12.2020.

2. IA.No.38 of 2018 was filed by the respondent / plaintiff to scrap the Advocate Commissioner Report in IA.No.54 of 2016 and also to re-issue the warrant to the same Advocate Commissioner. The learned District Munsif cum Judicial Magistrate, Thirupuvanam has partly allowed IA.No.38 of 2018, re-issued the Advocate Commissioner warrant and directed the Advocate Commissioner to inspect and measure the property with the help of the Surveyor and the Village Administrative Officer based on the sale deeds of both the parties and file a report and plan. Challenging the said order, the petitioners have come up with this revision.

3. Heard the learned counsels appearing on both sides and perused the materials available on record.

4. The Advocate Commissioner who was appointed in IA.No.54 of 2016 has filed two reports viz., Preliminary Report and Final Report. In both the reports, the Advocate Commissioner has stated that he cannot measure the suit property with the help of Field Measurement Book and that he wants to measure the property with the help of the sale deeds of the plaintiff and the defendants. In the Preliminary Report, the Advocate Commissioner has stated that both the



parties have not produced any sale deeds. Admittedly, the Advocate Commissioner has not measured the property till now. So, the learned District Munsif / Judicial Magistrate, Thirupuvanam was right in directing the Advocate Commissioner to inspect and measure the property with the help of the Surveyor and the Village Administrative Officer based on the sale deeds of both the parties and file a report and plan. Hence, this Court is not inclined to interfere with the order of the learned District Munsif / Judicial Magistrate, Thirupuvanam. However, the Advocate Commissioner is further directed to verify the revenue records before inspecting the property.

5. In the result, this Civil Revision Petition is dismissed with the above direction, by confirming the order in IA.No.38 of 2018 in OS.No.56 of 2019 on the file of the District Munsif cum Judicial Magistrate, Thirupuvanam, dated 04.12.2020. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Munsif / Judicial Magistrate Court,
Thirupuvanam.

2.The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.M.GANESAN, Advocate (SR-6244[F] dated 15/02/2022)

+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-6573[F] dated 16/02/2022)

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RD(16.03.2022) 2P 6C