



C.R.P (MD) No.1527 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.R.P (MD) No.1527 of 2021

and

C.M.P (MD) Nos.671 of 2022 and 8440 of 2021

A.Mathiyalagan

... Petitioner

Vs

Sudali

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 19.03.2021 made in I.A.No.2 of 2020 in O.S.No.66 of 2020 on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi.

For Petitioner : Mr.J.Parekhkumar

For Respondent : Mr.H.Arumugam

ORDER

This civil revision petition has been filed as against the order dated 19.03.2021 passed in I.A.No.2 of 2020 in O.S.No.66 of 2020 on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi.



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2.The suit in O.S.No.66 of 2020 was filed for declaration and permanent injunction by the respondent / plaintiff as against the petitioner / defendant. The respondent has also filed an application for appointment of Advocate Commissioner to measure the suit property with the help of the Surveyor and the said interlocutory application was ordered by the trial Court. Aggrieved over the same, the present civil revision petition is filed.

3.The learned Counsel for the petitioner submits that the description of the property has not been properly mentioned in the plaint and the occupiers can be rightly identified by measuring the property of the defendant as well. Therefore if the Advocate Commissioner measures the extent of the possession both by the plaintiff and the defendant, the petitioner is not having objection for appointment of Advocate Commissioner.

4.The learned Counsel for the respondent has no objection for the submission of the learned Counsel for the petitioner.



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5. In view of the stand taken by both the parties, the civil revision petition is disposed of with a direction to the Advocate Commissioner to measure the properties of the plaintiff and the defendant, with the help of Surveyor and to file a report as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

24.06.2022

dsk

To

The District Munsif cum
Judicial Magistrate,
Cheranmahadevi



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B.PUGALENDHI , J.

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