



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2022

CORAM

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.2053 of 2019 and
CMP(MD).No.10548 of 2019

1.S.Subramanian
2.Sankara Subbulakshmi : Petitioners /Petitioners/
Defendants

Vs.

Muthiah Chettiar :Respondent/Respondent/
Plaintiff

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against the proceedings in I.A.No.1391 of 2018 in O.S.No.214 of 2015 on the file of the I Additional District Munsif Court, Tirunelveli, dated 25.07.2019.

For petitioners : Mr. G. Aravinthan

For Respondent : Mr. T. Selvan

ORDER

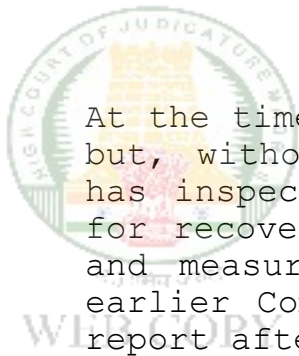
The revision petitioners / defendants filed this revision to set aside the order, dated 25.07.2019 passed in I.A.No.1391 of 2018 in O.S.No.214 of 2015 on the file of the I Additional District Munsif Court, Tirunelveli.

2. Heard the learned counsel appearing for both sides and perused the materials available on record.

3. The said Interlocutory Application filed by the petitioners / defendants to re-issue the Commissioner's warrant to the same Commissioner and to direct the Commissioner to inspect the property with the help of Surveyor. The suit was filed by the respondent / plaintiff for declaration and recovery of possession.

4. The respondent / plaintiff filed a petition for appointment of Commissioner and the Commissioner was also appointed.

<https://hcservices.ecourts.gov.in/hcservices/>



At the time of inspection, the petitioners / defendants gave a memo, but, without considering the said memo the Advocate Commissioner has inspected the property and filed a report. Since the suit is for recovery of possession it is necessary to inspect the property and measure with the help of surveyor. So, in addition to the earlier Commissioner's report, the same Commissioner has to file a report after measuring the property with the help of Surveyor.

5. Accordingly, this Revision Petition is allowed by setting aside the order, dated 25.07.2019, passed in I.A.No.1391 of 2018 in O.S.No.214 of 2015 on the file of the I Additional District Munsif Court, Tirunelveli, No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The I Additional District Munsif Court, Tirunelveli.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-14185[F] dated 24/03/2022)

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