



C.R.P. No.4453 of 2023

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T.V.THAMILSELVI, J.

This matter is taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the revision petitioner.

2. The learned counsel for Revision Petitioner would submit that this Court by an order dated 24.11.2023 allowed the above C.R.P.. However, the learned counsel would submit that in para 4 of the order, the relief sought in the suit was mentioned as recovery of money instead of mentioning as recovery of possession. Hence, he prayed to modify the same. Accordingly, the matter is listed today.

3. Considering his submissions, para 4 of the order shall be substituted as follows :-

“4. On perusal of records, it reveals that the petitioner filed the suit in the year of 2017 for the relief of declaration and for recovery of possession, since because the defendants made encroachment in the suit property. Considering the fact that the petitioner filed the petition to survey the suit property with the



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C.R.P. No.4453 of 2023

help of Government Surveyor, hence, it would not cause any prejudice to the respondents and also it is not possible to decide the suit without knowing the exact extent of the property. However, the trial court failed to appreciate this aspect. Hence, the order passed by the trial court in I.A.No.1 of 2022 in O.S.No.64 of 2017 is set aside. Thus, I.A.No.1 of 2022 in O.S.No.64 of 2017 is allowed. Further, the trial court is directed to appoint the Advocate Commissioner within a period of two weeks from the date of receipt of copy of this order after giving notice to the concerned parties.”

4. Registry is directed to incorporate above correction in the Order of this Court in C.R.P.No. 4453 of 2023 dated 24.11.2023 and issue fresh order copy to the Revision Petitioner.

10.01.2024

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N.B. :- Issue order copy on 11.01.2024



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