



WEB COPY

CRP No. 3472 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRP No. 3472 of 2025

Angammal (died)

1. Sundari,

2. Selvi,

3. Malar,

4. Amudha,

5. Kumar,

Petitioner(s)

Vs

Mariappan

Respondent(s)

**PRAYER**

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This Civil Revision Petition under Section 115 of the CPC has been filed to set aside the suo moto Docket order dated 16.10.2024 passed REA No.3 and 4 of 2024 in REP.No.489 of 2010 in O.S.No.1166/1998 on the file of the III Additional District Munsiff Court, Salem and thus render justice.

For Petitioner(s): S.Kalyanaraman

ORDER

Challenging the order appointing the commissioner to measure the property, the judgment debtor has filed the present revision petition.

2. The suit has been originally decreed in favour of the plaintiff for recovery of possession of the B schedule property, which is said to have been encroached upon by the defendant. The suit has been decreed and has reached finality, and Execution Petition has also been filed. Earlier, as per the order of the III Additional District Munsiff, Salem, on 30.09.2024, the Court Ameen went to the property, and gave a report stating that the alleged encroachment



does not fall within the total extent of 1.77 acres shown as A schedule property, which is in possession of the decree holder. Hence, the warrant was returned.

3. Thereafter, at the request of the Decree Holder, on 16.10.2024, the E.P. Court appointed a commissioner to measure the suit property once again, along with the Court Ameen and Head Surveyor, and to deliver the same to the decree holder. The said order dated 16.10.2024 has been challenged before this Court in this revision.

4, Heard the learned counsel for the petitioner and perused the materials available on records carefully.

5. On perusal of the entire materials, this Court is of the view that the revision is only to protract the proceedings. The Trial Court has, in fact, appointed an Advocate Commissioner to measure the property along with Head Surveyor, since it is alleged that Ameen has not properly served. Hence, I do



not find any merits in the order of the Executing Court and hence, this Civil Revision Petition is liable to be dismissed.

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6. Accordingly, this Civil Revision Petition is dismissed. No costs. consequently, connected miscellaneous petition is closed.

06-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

To

III Additional Munsiff Court, Salem.



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N.SATHISH KUMAR J.

mrp

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