

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Wednesday, the Twenty Eighth day of June Two Thousand Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice C.SARAVANAN

CRP(MD) . No.2278 of 2022

and

CMP(MD)No.10830 of 2022

1. ROHINA BEEVI

2. JAHAFAR ... Petitioner's/Respondent's/Defendant's

Vs

1 VARGHESE SAMUEL

2 MAMMEN SAMUEL

3 CHERIYAN SAMUEL

... Respondent's/Petitioner's/Plaintiff's

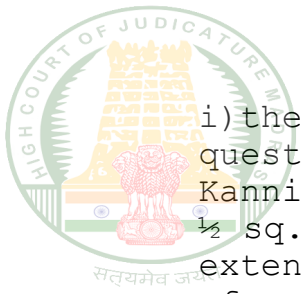
Prayer:

Petition filed under Section 115 of the CPC Praying this Court, to set aside the order and decretal order in E.P.No.20 of 2021 in O.S.No.26 of 2005 on the file of Principal District Munsif Court, Padmanabhapuram, dated 16-08-2022 and allow the civil revision petition and thus render justice.

TO

MR. P. RAJAGOPALAN ,
ADVOCATE
ENROLLMENT NO.2640/2012,
PLOT NO.16, SRI MUTHU VINAYAGA NAGAR,
ULAGANERI, MADURAI.
CELL NO.9750619016

Whereas this court hath in its order dated 28/06/2023, made herein appointed **MR. P. RAJAGOPALAN, ADVOCATE, ENROLLMENT NO.2640/2012, PLOT NO.16, SRI MUTHU VINAYAGA NAGAR, ULAGANERI, MADURAI. CELL NO.9750619016** as Advocate Commissioner, directed as follows:



i)the Advocate Commissioner shall inspect the property in question (situated in Ponmani Village, Kalkulam Taluk, Kanniyakumari District, Old sy No.405.A/R.S. 154/2, Extent -42 ½ sq.ft) and arrive at the market value with respect to the extent of property encroached by the petitioner with the help of a Registered Valuer and file a report together with the certificate of the Registered Valuer before this Court by the next date of hearing.

ii)the remuneration of the Advocate Commissioner and Registered Valuer are fixed as Rs.15,000/- (Rupees Fifteen Thousand only) as initial remuneration paid by the Petitioners.

iii)Post the matter on 10.08.2023

WITNESS The Hon`ble Mr.Justice Sanjay Vijaykumar Gangapurwala, The Chief Justice of the High Court of Judicature at Madras **on Wednesday, the Twenty Eighth day of June Two Thousand and Twenty Three (28/06/2023)**

ASSISTANT REGISTRAR(CS-I)

ORDER DATED : 28/06/2023

HEARING DATE : 10/08/2023

+ order

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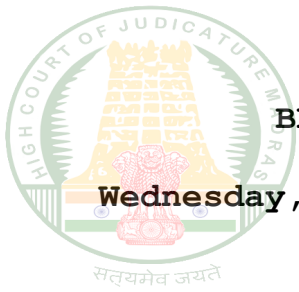
WARRANT OF

ADVOCATE COMMISSIONER

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CRP (MD) . No.2278 of 2022

SI (10.07.2023) **2P/ 3C**



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Wednesday, the Twenty Eighth day of June Two Thousand Twenty Three
PRESENT

The Hon`ble Mr.Justice C.SARAVANAN

CRP(MD) . No.2278 of 2022
and
CMP(MD)No.10830 of 2022

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Order:

This Civil Revision petition is coming for order on this day and upon perusing the petition and affidavit filed in support thereof and upon hearing the arguments of Mr.S.S.Thesigan, Advocate for the Petitioners and Mr.M.P.Hariprasad, Advocate, for the first Respondent and this court made the following orders.

It appears that there is a scope for resolving the dispute between the parties, as the petitioners appear to have encroached into the respondents'/plaintiffs' land to an extent of 42 ½ sq.ft. The encroachment is in the form of construction of three storeyed building. The parties are unable to arrive at the value to resolve the dispute, although the case was referred for mediation.

2.Considering the above, with the consent of the learned counsel for the petitioners and the learned counsel for the respondents, Mr.P.Rajagopalan, Advocate, [Enrolment No.2640/2012, Plot No.16, Sri Muthu Vinayaga Nagar, Ulaganeri, Madurai, Cell



No.9750619016] is appointed as an Advocate Commissioner. [1
inspect the property in question and arrive at the market value with
respect to the extent of property encroached by the petitioners with
the help of a Registered Valuer and file a report together with the
certificate of the Registered Valuer before this Court by the next
date of hearing.

3.The petitioners shall pay a sum of Rs.15,000/- as initial
remuneration to the Advocate Commissioner and the Registered Valuer.

4.In view of the present order, the execution proceedings shall
be kept in abeyance till 10.08.2023.

5.Registry is directed to issue a warrant to the Advocate
Commissioner forthwith. List the matter on **10.08.2023**, for filing
Advocate Commissioner's report and further orders.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

To

1.Principal District Munsif,
Padmanabhapuram.

2. MR.P.RAJAGOPALAN , ADVOCATE COMMISSIONER,
ENROLLMENT NO.2640/2012,
PLOT NO.16, SRI MUTHU VINAYAGA NAGAR,
ULAGANERI, MADURAI.CELL NO.9750619016

ORDER DATED : 28/06/2023

HEARING DATE : 10/08/2023

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order

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