



C.R.P. No. 1207 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 14.07.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P. No. 1207 of 2026

&

C.M.P. No. 6043 of 2026

1. Eswaran
2. Marimuthu

..Petitioners

Vs.

1. Duraisamy
2. Subramaniam
3. Karuppusamy
4. Mariyammal
5. Chanthiran

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and final order dated 28.10.2025 passed in I.A. No. 02 of 2022 in O.S. NO. 171 of 2022 by the learned District Munsif Court, Bhavani.

For Petitioners :: Mr.V. Anandhamoorthy

For Respondents :: No appearance



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ORDER

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This civil revision petition has been filed challenging the impugned order dated 28.10.2025 passed in I.A. NO. 02 of 2022 in O.S. No. 171 of 2022 by the District Munsif Court, Bhavani.

2. By the aforesaid order, the application filed by respondents 1 to 4/plaintiffs seeking for appointment of an Advocate Commissioner to note down the physical features of the suit cart-track has been allowed. The petitioners, who are defendants 1 and 2 have challenged the impugned order on the ground that the plaintiffs cannot collect evidence through the appointment of an Advocate Commissioner.

3. The suit in O.S. No. 171 of 2022 has been filed by the plaintiffs for a declaration that they have the right to use the cart-track more fully described in the suit schedule and for injunction. I.A. No. 2 of 2022 was filed by the plaintiffs during the pendency of the suit seeking for appointment of an Advocate Commissioner to note down the physical features of the suit cart-track. The Trial Court, by the impugned order, has allowed the said application. Challenging the same, the petitioners/defendants 1 and 2 have filed this civil revision petition.



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4. The appointment of an Advocate Commissioner for the

purpose of noting down the physical features of plaint schedule property will not amount to collecting evidence. In a suit for declaration and injunction, the report of the Advocate Commissioner will not assist the plaintiffs to prove their title in respect of suit cart-track. Independently, the plaintiffs will have to file documentary evidence in support of their contention that they have the right to use the cart-track, more fully described in the plaint schedule. The report of the Advocate Commissioner, to be submitted, pursuant to the impugned order passed by the Trial Court, will only reveal the physical features of the cart-track more fully described in the plaint schedule. It will not prejudice the right of the petitioners/defendants 1 and 2. If at all, any adverse report is filed by the Advocate Commissioner, pursuant to his inspection of the suit cart-track, the petitioners have got the right to file their objections to the report of the Advocate Commissioner and they also have the right to cross-examine the Advocate Commissioner as well as the plaintiffs' witnesses.

5. Therefore, this Court is of the considered view that no prejudice would be caused to the petitioners/defendants 1 and 2 if the



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ABDUL QUDDHOSE,J.

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Advocate Commissioner appointed through the impugned order passed by the Trial Court is allowed to comply with the directions issued by the Trial Court and submit a report to the Trial Court.

6. For the foregoing reasons, this Court is not interfering with the impugned order. Accordingly, the civil revision petition stands dismissed. No costs. Connected C.M.P. is closed.

14.07.2026

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To

The District Munsif Court, Bhavani

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