



WEB COPY

CRP No. 2011 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 2011 of 2025

and

CMP.No.11598 of 2023

Subramaniam

S/o.Ganapathi, 4/219, Karnampettai.

..Petitioner(s)

Vs

1. Ponnusamy

S/o.Ramasamy

2. Umadevi

W/o.Dhanasekar,

3. Ponni

W/o.Eswaran,

4. Kalaivani

W/o.Chandrasekar,

5. Sivabakkiam

W/o.Ganapathy,

..Respondent(s)

Civil Revision Petition filed under Article 226 of Constitution of India praying to set aside the fair and decreetal order dated 14-02-2025 passed in IA.No.13 of 2022 in OS.No.08/2022 on the file of the Distict Munsif Court, Palladam.

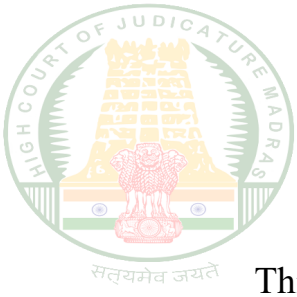
For Petitioner(s):

For Respondent(s):

Mr.K.Govi Ganesan

Mr.V.Anandhamoorthy

For RR1 to 5



ORDER

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This Civil Revision Petition has been filed by the petitioner who is the 1st defendant in the suit O.S.No.8 of 2022, challenging the impugned order dated 14.02.2025 passed by the District Munsif, Palladam in I.A.No.13 of 2022 in O.S.No.8 of 2022.

2. In the aforesaid order passed in the application filed by the respondents/plaintiffs, an Advocate Commissioner has been appointed to note down the physical features of the suit schedule property. The Trial Court under the impugned order has observed that the appointment of an Advocate Commissioner to note down the physical features of the suit schedule property would be useful for better understanding about the surroundings of the suit schedule property and it would help in elucidating the truth with regard to the existence of disputed cart track.

3. The suit has been filed for declaration, temporary injunction and for mandatory injunction. It is settled law that an Advocate Commissioner cannot be appointed for the purpose of collecting evidence.

4. Learned counsel for the petitioner would submit that the Advocate Commissioner has been appointed only to note down the physical features of



the suit schedule property and therefore he has been appointed not to collect evidence but only to note down the physical features of the suit schedule property.

5. The dispute between the parties pertains to cart track in the suit schedule property. In fact as seen from the impugned order, the Trial Court has appointed the Advocate Commissioner only on the ground that if an Advocate Commissioner is appointed to note down the physical features of the suit schedule property, the surroundings of the suit schedule property can be properly ascertained which will assist the Court to unearth the truth.

6. Being a suit for declaration, the respondents/plaintiffs will have to independently produce oral and documentary evidence for the purpose of proving their case before the Trial Court. The Advocate Commissioner's report submitted pursuant to the impugned order can be utilized only to ascertain the surroundings of the petition mentioned properties to enable the Trial Court to unearth the truth with regard to the existence of the disputed cart track.

7. Since the Advocate Commissioner has been appointed only to note down the physical features of the suit schedule property, this Court is of the considered view that it is an innocuous order, and it will not harm either the petitioner or the respondents. It will only aid the Trial Court to understand the



surroundings of the suit schedule property better for rendering justice in the suit.

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8. For the foregoing reasons, this Court is not inclined to interfere with the impugned order. But this court makes it clear that the respondents/plaintiffs will have to prove their suit claim independently through their oral and documentary evidence and the Advocate Commissioner's report to be submitted pursuant to the impugned order can be utilized by the Trial Court only for the purpose of better understanding of the surroundings of the suit schedule property as observed in the impugned order. Since, there is no merit in the Civil Revision Petition this Civil Revision Petition is dismissed. No costs.

22-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
arr

To

The District Court, Palladam.



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ABDUL QUDDHOSE, J.

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