



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 1981 of 2025

and

CMP No. 11391 of 2025

1. Ponnusamy

Petitioner(s)

Vs

1. K.Krishnasamy

2.Arumugam

Respondent(s)

PRAYER

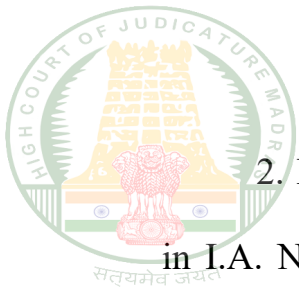
Civil Revision Petition filed under Article 227 of the Constitution of India to allow the above CRP by setting aside the Fair and Decretal Order dt. 30.01.2025 passed in IA No. 02 of 2024 in OS No. 87 of 2021 on the file of District Munsiff Court, Sulur and thus render justice.

For Petitioner(s): Mr.K.Govi Ganesan

For Respondent(s): Mr.S.Gunaseelan For R1

ORDER

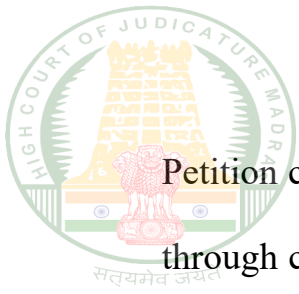
This Civil Revision Petition has been filed, challenging the impugned order dated 30.01.2025 passed by the District Munsif Court, Sulur, in I.A. No. 2 of 2024 in O.S. No. 87 of 2021.



2. In the aforesaid order, an Advocate Commissioner has been appointed in I.A. No. 2 of 2024 filed by the first respondent/plaintiff, to note down the physical features of the suit schedule property. The suit has been filed by the first respondent / plaintiff, seeking for permanent injunction to restrain the defendants from interfering with the peaceful possession and enjoyment of the suit schedule property by the first respondent / plaintiff. The first respondent / plaintiff, apart from seeking the relief of permanent injunction, has also sought for the relief of mandatory injunction.

3. In the impugned order, the trial Court has appointed the Advocate Commissioner only to note down the physical features of the suit schedule property. The petitioner has contended before this Court that there is an inordinate delay on the part of the first respondent/plaintiff to file the application seeking for appointment of an Advocate Commissioner and on that ground, the trial Court ought to have dismissed the application. But this Court finds that the Advocate Commissioner, appointed by the trial Court through the impugned order, has been appointed only to note down the physical features of the suit schedule property, which is an innocuous order.

4. By filing this Civil Revision Petition, unnecessarily, the disposal of the suit has got delayed. The objections that have been raised in this Civil Revision



Petition can very well be raised by the petitioner/ 2nd defendant in the suit either through cross-examination of the first respondent's / plaintiff's witness or at the time of final arguments in the main suit. The petitioner is having the benefit of interim stay of further proceedings of this suit, in this Civil Revision Petition, since 2025.

5. No useful purpose will be served by extending the interim stay granted earlier by this Court, as it has only stalled the proceedings in the suit. Since the impugned order is an innocuous order, this Court, without going into the merits of the observations of the trial Court for appointing an Advocate Commissioner in the impugned order, disposes of this Civil Revision Petition by granting liberty to the petitioner to raise all objections as raised in this Civil Revision Petition, either at the time of cross-examination of the first respondent's/plaintiff's witness or at the time of arguments in the main suit. No Costs. Consequently, connected miscellaneous petition is closed.

21-07-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
The District Munsif Court, Sulur.



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ABDUL QUDDHOSE J.

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