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C.R.P. No. 2902 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2026

CORAM

**THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**

C.R.P. No. 2902 of 2026

&

C.M.P. No. 11879 of 2026

1. Ayyiammal
2. Shanmugam
3. Narayanan
4. Venkatesan
5. Ravi

..Petitioners

Vs.

1. Saroja
2. Narayanasamy
3. Perumal

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India as against the order dated 03.03.2026 passed in I.A. No. 2 of 2025 in O.S. No. 38 of 2023 on the file of District Munsif cum Judicial Magistrate Court No.1, Walajahpet, Ranipet District.

For Petitioners        ::        Mr.C. Prabakaran



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## ORDER

This civil revision petition has been filed challenging the impugned order dated 03.03.2026 passed in I.A. No. 2 of 2025 in O.S. No. 38 of 2023 by the learned District Munsif cum Judicial Magistrate No.1, Walajahpet, Ranipet District.

2. The petitioners in this civil revision petition are the defendants in the suit in O.S. No. 38 of 2023 on the file of District Munsif cum Judicial Magistrate No.1, Walajahpet, Ranipet District. The respondents are the plaintiffs in the said suit. The suit was filed to declare that the respondents/plaintiffs are having easementary rights to use the pathway namely, suit “B” schedule property. In order to establish their right, the respondents/plaintiffs filed I.A. No. 2 of 2025 in O.S. No. 38 of 2023 for appointment of an Advocate Commissioner to note down the physical features of the “A” and “B” schedule properties and to note down the measurements of the respective properties along with a Taluk Surveyor. The Trial Court has allowed the application filed by the



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respondents/plaintiffs and appointed an Advocate Commissioner by the impugned order dated 03.03.2026. Aggrieved by the same, the petitioners, who are the defendants in the suit, have filed this civil revision petition.

3. Since the suit claim is for grant of easementary rights to the respondents/plaintiffs to “B” Schedule property, the question of respondents/plaintiffs producing documentary evidence in support of easementary rights does not arise. The respondents/plaintiffs claim that they have easementary rights to use the pathway, which is the suit “B” Schedule property, having access from suit “A” schedule property. The petitioners have filed this civil revision petition on the ground that the Trial Court has failed to take note of the fact that the respondents/plaintiffs cannot collect evidence through the appointment of an Advocate Commissioner. Further, being an easementary suit, it is not possible for the respondents/plaintiffs to possess documents to prove their easementary rights, namely, right to use the pathway (suit “B” schedule property).



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4. The Trial Court has taken into consideration the contentions of the petitioners/defendants through their counter in I.A. No. 2 of 2025 and only thereafter, has come to the correct conclusion that the respondents/plaintiffs are entitled to appointment of an Advocate Commissioner to note down the physical features of suit “A” and “B” schedule properties as well as to note down the measurements of both properties with the help of a Taluk Surveyor.

5. This Court does not find any infirmity in the reasons given by the Trial Court for allowing the application in I.A. No. 2 of 2025 filed by the respondents/plaintiffs for appointment of an Advocate Commissioner. Since there are no merits in the civil revision petition, the same is dismissed. No costs. Connected C.M.P. is closed.

08.07.2026

nv



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The District Munsif cum  
Judicial Magistrate No.I,  
Walajahpet, Ranipet District.



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**ABDUL QUDDHOSE,J.**

nv

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