



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3677 of 2026 AND CMP NO. 15939 OF 2026

1. Rajkannu
2. Balasubiramaniam
3. Shanmugasundaram
4. Andavar Lathe Works
Partnership Firm Rep by its Partner
Rajkannu Kollampalayam (Andavar
Lath Works) VandikaranThottam Erode
2
5. R.Dhanlakshmi

Petitioner(s)

Vs

P.Nallasivam

Respondent(s)

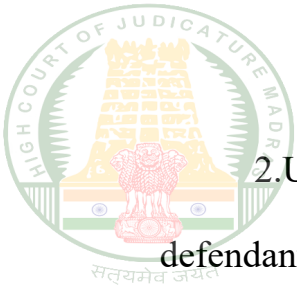
PRAYER

To set-aside the fair and final order made in I.A.No. 14 of 2025 in OS No. 362 / 2017 on the file of the Learned 1st Additional District Munsif, Erode dt.16.10.2025.

For Petitioner(s): Mr.M.R.Thangavel

ORDER

This Civil Revision Petition has been filed, challenging the order dated 16.10.2025 passed by the I Additional District Munsif, Erode in I.A. No.14 of 2025 in O.S. No.362 of 2017.



2. Under the aforesaid order, the application filed by the petitioners/defendants to scrap the existing commissioner's report and to direct a fresh measurement of the suit property with the help of the District Surveyor, using traditional (non-digital) methods, has been dismissed by the Trial Court on the ground that the digital measurement is more accurate and ensures precise identification of the boundaries and extent of the property.

3. Infact, as seen from the impugned order, the earlier Advocate Commissioner, appointed by the Court, had given due notice to the petitioners/defendants and only thereafter, survey was conducted and the property was measured. Therefore, the Trial Court has held that the question of scraping the earlier Advocate Commissioner's report does not arise.

4. The suit has been filed for permanent injunction and also for mandatory injunction. The respondent/plaintiff claims that the petitioners/defendants are encroachers and the petitioners/defendants dispute the same.

5. The dispute can be decided only after trial. When Advocate Commissioner has already submitted a report based on a personal inspection of the suit schedule property in the presence of the petitioners/defendants, the question of scraping of the said Advocate Commissioner's report does not arise. The petitioners/defendants have already filed their objections to the earlier



Advocate Commissioner's report. If the petitioners are aggrieved by the earlier

Advocate Commissioner's report, they have a right to cross examine the

respondent's/plaintiff's witness as well as the Advocate Commissioner and the

truth can be unearthed through the cross examination. The Trial Court has

rightly dismissed the application filed by the petitioners/defendants through the

impugned order. Accordingly, this court finds that there is no merit in this Civil

Revision Petition and the same is dismissed. No costs.

08-07-2026

vga

To

1. 1st Additional District Munsif, Erode

2. The Section Officer, VR Section, High Court, Madras.



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ABDUL QUDDHOSE J.

vga

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