



C.R.P. No. 2814 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2026

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P. No. 2814 of 2025

&

C.M.P. No. 15945 of 2025

1. Minor Gunasundaram
by Guardian Father
S. Parasuram

2. S. Parasuram

..Petitioners

Vs.

M.Kalaichelvan

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 08.04.2025 passed in I.A. No. 156 of 2024 in O.S. No. 86 of 2024 by the learned Additional District Munsif, Cuddalore.

For Petitioner :: Mr.T.S. Baskaran

For Respondent :: Mr.D. Baskar



C.R.P. No. 2814 of 2025

ORDER

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This civil revision petition has been filed challenging the impugned order dated 08.04.2025 passed in I.A. No. 156 of 2024 in O.S. No. 86 of 2024 by the learned Additional District Munsif, Cuddalore.

2. By the aforesaid order, the application filed by the respondent/plaintiff for appointment of an Advocate Commissioner to inspect the suit 'A' and 'B' schedule properties with the help of a qualified Surveyor, measure the same, find out the encroachment and to file a report along with a plan, has been allowed. The petitioners, who are the defendants in the suit are aggrieved by the directions issued by the Trial Court to the Advocate Commissioner by the impugned order and hence, the present civil revision petition.

3. The contention of the petitioners is that the layout plan, being unapproved, does not show proper measurements. Therefore, according to them, the property will have to be measured only with the assistance of a Revenue Surveyor with the help of FMB sketch. The very same stand was taken by the petitioners/defendants in I.A. No. 156 of 2024 before the Trial Court through their counter.



C.R.P. No. 2814 of 2025

4. However, as seen from the impugned order, the Trial Court has appointed an Advocate Commissioner to measure the suit 'A' and 'B' Schedule properties with the help of a qualified Surveyor and the Trial Court has not stated that the Advocate Commissioner shall measure the properties with the help of a Revenue Surveyor.

5. Learned counsel for the petitioners would draw the attention of this Court to the impugned order as well as to the contents of the counter filed by the petitioners/defendants in I.A. No. 156 of 2024, which confirms that the petitioners/defendants wanted the Advocate Commissioner to measure the suit 'A' and 'B' schedule properties with the assistance of Revenue Surveyor with the help of FMB sketch.

6. Learned counsel for the respondent/plaintiff would submit that the Advocate Commissioner appointed by the Trial Court by the impugned order, apart from measuring the suit 'A' and 'B' schedule properties, based on the layout plan, shall also use FMB sketch for the purpose of measuring the aforesaid suit properties and the Revenue Surveyor can also assist the Advocate Commissioner to enable him to properly measure the suit 'A' and 'B' schedule properties.



C.R.P. No. 2814 of 2025

7. No prejudice will be caused to any of the parties, if the

Advocate Commissioner is directed to seek the assistance of a Revenue Surveyor and measure the properties based on the layout plan as well as the FMB sketch, taking into consideration all the relevant documents to be produced by the respective parties, within a time frame to be fixed by this Court.

8. Hence, after recording the rival submissions, in the interest of justice, for the effective adjudication of the suit, this civil revision petition is disposed of by modifying the impugned order dated 08.04.2025 passed in I.A. No. 156 of 2024 in O.S. NO. 86 of 2024 by the learned Additional District Munsif, Cuddalore, by issuing the following directions:

“The Advocate Commissioner appointed by the Trial Court under the impugned order is directed to initially measure the suit ‘A’ and ‘B’ schedule properties based on the layout plan; thereafter, measure the said properties based on FMB sketch pertaining to the said properties with the assistance of a Revenue Surveyor; permit the respective parties to produce relevant documents and after considering the same, the



C.R.P. No. 2814 of 2025

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Advocate Commissioner is directed to submit a report to the Trial Court. While measuring the aforesaid properties, with the assistance of a Revenue Surveyor, the Advocate Commissioner shall identify the survey stones in Plot Nos. 1 to 7 and the measurements are to be carried out only based on the survey stones identified by the Revenue Surveyor.”

No costs. Connected C.M.P. is closed.

07.08.2026

nv

To

The Addl. District Munsif Court,
Cuddalore.



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C.R.P. No. 2814 of 2025

ABDUL QUDDHOSE,J

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C.R.P. No. 2814 of 2025

07.08.2026