



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 4093 of 2026

and

CMP No. 17878 of 2026

1. Mohammad Anif (Died) 1) Yasmin
w/o late Mohammad Anif, Door
No.17/2, Kottai Street, Palacode Town,
Palacode Taluk and Post, Dharmapuri
District 636 808

2. Irfan
s/o Mohammad Anif, No.16/1,
Bharathidasan Street, Palacode Town,
Palacode Taluk and Post, Dharmapuri
District 636 808

3. Nasrath Banu
d/o late Mohammad Anif, Door
no.2/25, Adhidraavidar street, Palacode
Taluk and Post, Dharmapuri District
636 808

4. Tajmila
d/o late Mohammad Anif, Door
No.1/73, Aadhidraavidar street, Palacode
Town, Palacode Taluk and Post,
Dharmapuri District 636 808

Petitioner(s)

Vs

1. M.Asif
s/o A.Maboop, Door No.4/128,
Palacode Town Miasa, Palacode Taluk
and Post, Dharmapuri District 636808

2.A.K.Muhammad Yehash



s/o B.Abdul Karim, Door No.4B,
Ramaiya Nagar, college road,
Kothuvacherry, Chennai City, Chennai
600 122

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order in IA No.652 of 2019 in OS No.159 of 2016 dated 5th March 2026 on the file of the learned District Munsif, Palacode

For Petitioner(s): Mr.R.Selvakumar

For Respondent(s): Notice dispensed with

ORDER

This Civil Revision Petition has been filed, challenging the impugned order dated 05.03.2026 passed by the District Munsif Court, Palacode, in I.A. No. 652 of 2019 in O.S. No. 159 of 2016.

2. In the aforesaid order, the application filed by the petitioners/plaintiffs, seeking for appointment of an Advocate Commissioner to note down the physical features of the suit schedule property, has been dismissed on the ground that the application has been filed only to collect evidence in support of the petitioners' case.

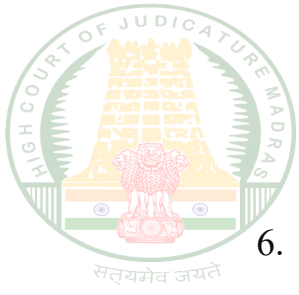
3. The law is now well settled that, for collecting evidence, an Advocate Commissioner cannot be appointed. The trial Court, has passed the impugned



order, only after taking into consideration the fact that the petitioners had earlier filed an application, along with the suit, seeking for appointment of an Advocate Commissioner, which got dismissed, has once again filed an application, seeking for appointment of an Advocate Commissioner on the ground that, during the pendency of the suit, the respondents/defendants had encroached upon the suit schedule property.

4. If there was any encroachment, the petitioners/plaintiffs ought to have filed an amendment application, seeking to amend the pleadings, as well as the suit schedule. Without filing an amendment application, the petitioners/plaintiffs have filed an application for appointment of an Advocate Commissioner to note down the physical features of the suit schedule property without giving details of the actual encroachment said to have been committed by the respondents/defendants.

5. The trial Court has rightly held that the application has been filed by the petitioners/plaintiffs only to collect evidence. As observed earlier, an Advocate Commissioner cannot be appointed to collect evidence. Therefore, this Court does not find any merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.



6. Since no adverse orders are passed against the respondents, notice to the respondents is dispensed with by this Court.

23-07-2026

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



To
The District Munsif Court, Palacode.

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ABDUL QUDDHOSE J.

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