



CRP.No.5127 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.5127 of 2026
& CMP.No.22395 of 2026

1. K.Krishnan
S/o.Karuppan,
No.7/17 Perumal Koil Street,
Mannurpet, Padi,
Chennai 600 050.
2. P.Loganathan
S/o.M.Pichai,
New No.57 Old No.204-A,
Pillaiyar Koil Street,
Mannurpet, Padi,
Chennai 600 050.
3. K.Ravichandran
S/o.Kuzhaiyan,
No.5A Gayathri Street,
Om Sakthi Nagar,
Kallikuppam, Ambattur.
Chennai 600 053.

...Petitioners

Vs

1. S.Vijayalakshmi
W/o.S.Ramesh (a) Shanmugavel,
No.D-48, D Block,
Anna Nagar East,
Chennai-600102.



CRP.No.5127 of 2026

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2. S.Ramesh (a) S.Shanmugavel
S/o.Dr.T.R.Sundaram,
No.D-48, D Block,
Anna Nagar East,
Chennai-600102.

...Respondents

PETITION under Article 227 of The Constitution of India against the order and decree dated 23.3.2026 passed in I.A.No.6 of 2025 in O.S.No.71 of 2024 on the file of the District Munsif Court, Ambattur.

For Petitioners: Mr.I.Jenkins William

ORDER

This civil revision petition has been filed under Article 227 of The Constitution of India against the order dated 23.3.2026 passed in I.A.No.6 of 2025 in O.S.No.71 of 2024 on the file of the District Munsif Court, Ambattur (for short, the Court below) wherein the application filed by the petitioners/plaintiffs under Order XXVI Rule 9 of the Civil Procedure Code (CPC) to appoint an advocate commissioner to inspect the suit properties, measure the boundaries and file a report along with sketch came to be dismissed.



CRP.No.5127 of 2026

WEB COPY

2. Heard the learned counsel for the petitioners.

3. This Court has carefully considered the submissions of the learned counsel for the petitioners and perused the materials available on record and more particularly the impugned order.

4. In the case in hand, the petitioners/plaintiffs have filed the said suit for the relief of declaration and permanent injunction. Pending the suit, the said interlocutory application has been filed to appoint an advocate commissioner to make a local inspection, note down the physical features of the suit properties with the help of a taluk surveyor and submit a report.

5. The Court below came to the conclusion that the burden of proof is on the petitioners that they are in possession of the suit properties. In such a case, if the petitioners are seeking for the appointment of an advocate commissioner, it was only for the purpose of gathering evidence and that the advocate commissioner could not be appointed by a Court to collect evidence in favour of one of the parties.



CRP.No.5127 of 2026

6. The reasoning assigned by the Court below does not suffer from any perversity and it is perfectly in order. The impugned order also does not warrant the interference of this Court under Article 227 of The Constitution of India.

7. Accordingly, the above civil revision petition is dismissed. Consequently, the connected CMP is also dismissed.

21-08-2026

To
The District Munsif Court,
Ambattur.

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CRP.No.5127 of 2026

N.ANAND VENKATESH,J

RS

**CRP.No.5127 of 2026&
CMP.No.22395 of 2026**

21-08-2026

Page 5 of 5