



C.R.P(MD)No.2153 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.08.2026

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THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.2153 of 2026
and
C.M.P(MD)No.10290 of 2026

Ulaganathan

.. Petitioner

Vs.

1.Kalarani
2.P.Santhi

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 02.06.2026 passed in I.A.No.6 of 2026 in O.S.No.389 of 2022 on the file of the District Munsif Court, Lalgudi.

For Petitioner : Mr.M.Arjun Varman for
M/s Aran Legal Consultancy

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner/first defendant seeking appointment of an Advocate Commissioner to note down the physical features of the suit property.

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2.The respondents herein filed a suit seeking permanent injunction. According to the respondents, the suit property originally belonged to their father, who executed a settlement deed in their favour. By virtue of the said settlement deed, they are in possession and enjoyment of the suit property.

3.The petitioner/first defendant filed a written statement denying the claim of the respondents that the suit property was the separate property of their father. According to the petitioner, the suit property is ancestral property and he is also in possession of the same by residing therein. It is further contended that he has been rearing cattle in the third item of the suit properties. The petitioner filed the instant application seeking appointment of an Advocate Commissioner to note down the physical features of the suit property, particularly to establish that he has been rearing cattle therein. The trial Court dismissed the said application. Aggrieved by the same, the petitioner has come before this Court.

4.The learned counsel appearing for the petitioner would submit that, in order to establish that the petitioner is residing in the suit property and is in enjoyment thereof by rearing cattle, the appointment of an Advocate Commissioner is absolutely necessary.



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5.It is well settled that an Advocate Commissioner cannot render any finding with regard to the possession of the parties. Even as per the case of the petitioner, he claims to be in possession and enjoyment of the suit property by residing therein and by rearing cattle in the third item of the suit properties. Even if an Advocate Commissioner is appointed and the physical features of the property are noted, the same will not establish the petitioner's possession or enjoyment of the suit property. The question of possession has to be established only by adducing acceptable oral and documentary evidence. Therefore, the trial Court rightly dismissed the application on the ground that an Advocate Commissioner cannot be appointed for the purpose of collecting evidence regarding possession. I do not find any error or infirmity in the order passed by the trial Court.

6.Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

06.08.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn



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To

- 1.The District Munsif Court, Lalgudi.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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