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C.R.P.(MD)No.2221 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.09.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**C.R.P.(MD)No.2221 of 2024 AND**  
**C.M.P.(MD)No.12571 of 2024**

Sellam

... Plaintiff / Petitioner /  
Revision petitioner

Vs.

Amanullakhan

... Defendant / Respondent /  
Respondent

**PRAYER :** Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned decreetal and fair order in I.A.No.1 of 2024 in O.S.No.102 of 2023 dated 19.06.2024 on the file of the Subordinate Court, Mudukulathur.

For Petitioner : Mr.J.Vijayraj

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**ORDER**

Heard the learned counsel appearing for the revision petitioner.

2. The plaintiff in O.S.No.102 of 2023 on the file of the Sub Court, Mudukulathur is the revision petitioner. The plaintiff filed I.A.No.1 of 2024 for appointment of Advocate Commissioner to inspect the suit property. IA was dismissed vide order dated 19.06.2024. Questioning the same, this civil revision petition came to be filed.

3. The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of revision and called upon this Court to set aside the impugned order.

4. I am not swayed by the said submission of the learned counsel.

5. Paragraph Nos.7 and 8 of the impugned order read as follows:-

“(7) So in this case in regarding identity there is no dispute. The boundaries shall be proved by title deeds and field measurement book only. To prove boundaries a party cannot get aid of appointment of Advocate Commissioner. So as per the para No.14 of the written statement, the respondent has contended that, the property on the western and northern side to the suit property is belonged to him. But the petitioner's case is that the western property is



belonged to one Senthooran. But the predecessor in interest for the said Senthooran, Mr.Naghoorkani has filed a suit in O.S.No.58 of 2003 against the respondent's father and judgment was pronounced as against the said Nagoorkani and so the respondent has raised a plea that the suit is hit by the principle of *res judicata* and for that this Court has framed an issue as this suit is bad for the principle of *res judicata*.

(8) So, in this case only title involved and in regarding identity or physical features, the parties are not differed. So it is not necessary to appoint Advocate Commissioner in the case on hand. Hence, this petition is liable to be dismissed.”

6. The reasons given above are perfectly in order and sound. Interference is not warranted. This civil Revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**13.09.2024**

Index : yes/No  
Internet: Yes/No  
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**G.R.SWAMINATHAN,J.**

PMU

To

The Subordinate Judge,  
Mudukulathur.

C.R.P.(MD)No.2221 of 2024

13.09.2024