



C.R.P.No.1172 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.No.1172 of 2025

C.M.P.No.6983 of 2025

1.S.Narasimman

2.Nagaraj

3.Arunkumar @ Thangaraj

4.Santhi

5.Sumithra

6.Dhatchayini

...Petitioners

Vs

1.K.Ramesh

2.K.Rajesh

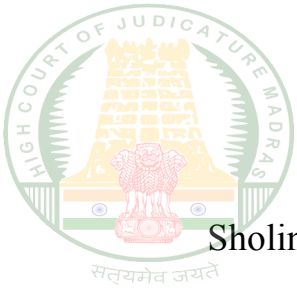
...Respondents

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the Order dated 12.08.2024 made in I.A.No.2 of 2023 in O.S.No.23 of 2023 passed by the District Munsif Court, Sholinghur, Ranipet District and allow this CRP.

For Petitioners : Mr.R.Vijayakumar

ORDER

Challenging the order passed by the learned District Munsif,

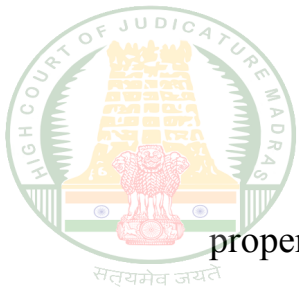


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Sholinghur in I.A.No.2 of 2023 in O.S.No.23 of 2023 in and by which the learned Judge had allowed the application for appointment of an Advocate Commissioner, the petitioner is before this Court.

2.The defendants are the petitioners before this Court. The plaintiffs/respondents 1 and 2 had filed the suit O.S.No.23 of 2023 on the file of the learned District Munsif, Sholinghur, for declaring the first plaintiff's right and title to the A schedule property and for a consequential injunction restraining the defendants from interfering with the first plaintiff's possession and enjoyment of the A schedule property and to declare the second plaintiff's right and title to the B schedule property and consequently restraining the defendants from interfering with the second plaintiff's peaceful possession and enjoyment of the B schedule property.

3.The case of the plaintiffs is that they had purchased the lands in question under a registered sale deed dated 28.11.2011 from the original owners Jayaraman and his son Nithiyianandam. This property along with other property of their father and Sister Ambika were partitioned between them under a registered partition deed dated 18.01.2022, since the



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properties purchased by them were brought into the common hotchpot .

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The western portion of S.No.18/2B and the entire extent in S.No.18/2C1 was allotted to the first plaintiff which is described as the A schedule property. The eastern portion of 18/2B and the land in S.F.No.18/2C2 was allotted to the share of second plaintiff was described as the B schedule. Since there was some mistake with reference to the description of boundaries a rectification deed dated 14.06.2022 was executed amongst the parties. The defendants are the owners of the lands in S.No.18/2C3 which is situate to the south of S.No.18/2C2 belonging to the second plaintiff. The lands in S.No.6/7E1 belonged to the defendants and is situate to the east of both S.No.18/2C1 and S.No.18/2C2 belonging to plaintiffs 1 and 2 respectively. A certain extent of land to the north of 18/C1 and the remaining extent of S.No.18/2C1 is comprised in S.No.15 belonging to the defendants. The first plaintiff had erected bore well in S.No.18/2C1 and had also erected bore well in S.No.18/2B. The defendants were jealous of the fact that the plaintiffs had raised a flower garden in their lands. They had also filed a suit O.S.No.17 of 2022 on the file of the very same Court against the plaintiffs, their father Krishnan, one C.Kanniappan and one P.Mani stating that the property was their ancestral property.



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WEB COPY 4.The plaintiffs would submit that they arranged for survey measurement of the lands to fix the boundaries as per the survey field maps by paying necessary fees to the authorities concerned. However, defendants 1 to 3 prevented the survey. Police complaint was given against them and though the Police had directed the Revenue officials to survey the lands, however, the surveyor was not ready to measure the lands since the suit was pending. Defendants are attempting to destroy crops of the plaintiffs by letting their cattle into the plaintiff's lands. The defendants and their men were assaulting the plaintiffs with the active help of their women folk. Therefore, the plaintiffs had been compelled to file the suit since the attempts are continuing to interfere in the possession of the property by the plaintiff. Along with the suit the plaintiffs had also filed an application for appointing an Advocate Commissioner to inspect A and B schedule properties, note down the physical features and to file a report.

5.This application was objected to by the petitioners/defendants. The learned District Munsif, Sholinghur, after considering the arguments on either side and the evidence on record proceeded to allow the said



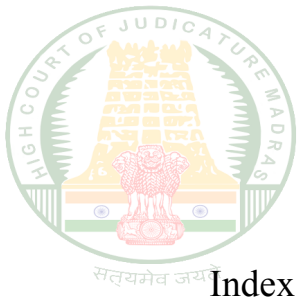
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application by contending that the dispute between the parties is with reference to the boundaries and therefore the area of dispute being very limited and taking note of the fact that the plaintiffs and defendants are adjacent land owners, the demarcation of the lands would bring an end to the dispute. Therefore she had proceeded to appoint an Advocate Commissioner. Aggrieved by this order, revision has been filed.

6.Heard Mr.R.Vijayakumar, the learned counsel for the petitioners who made his submission for admission and perused the records.

7.From a mere reading of the plaint as well as the documents, and the counter and written statement, as rightly held by the learned District Munsif, the dispute between the parties only pertains to the demarcation of their lands. Once the properties are identified, measured and marked with boundaries on the basis of their respective documents of title, the dispute could be effectively resolved between the parties. That apart it would also reduce the evidence that has to be filed in the suit. Therefore, the objection of the defendants is baseless and consequently the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order
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P.T.ASHA, J,

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To
The District Munsif Court, Sholinghur, Ranipet District.

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