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C.R.P.No.5797 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-11-2025

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

C.R.P.No.5797 of 2025 and
CMP No.28789 of 2025

Rajaguru

... Petitioner

Vs.

1. R.Annamalai

2. The Tahsildar, Taluk Office,
Kanchipuram

... Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 05.08.2025 passed in I.A.No.9 of 2024 in O.S.No.90 of 2016 on the file of the Additional District Munsif, Kancheepuram District.

For Petitioner : Mr.M.Jaisingh

For Respondent : Mr.D.Gopal, Govt. Advocate
for R2.

ORDER

This Civil Revision Petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner seeking appointment of Advocate Commissioner.

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2 The petitioner herein filed a suit for permanent injunction against the respondents. According to the petitioner, the suit property was allotted to the share of the petitioner's husband Ponraj Nadar under partition deed dated 15.06.1998. The petitioner's husband executed a settlement deed dated 17.07.2000 settling the suit property in favour of the petitioner. Thereafter, the petitioner had put up construction in the suit property, after getting approval from the local authorities and she has been in possession and enjoyment of the property. Since the respondent attempted to interfere with the petitioner's peaceful possession and enjoyment, she constrained to file a suit for injunction. Pending suit, the petitioner filed the instant application seeking appointment of Advocate Commissioner to note down the physical features of the property. The said application was dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this court.

3 . The learned counsel for the petitioner would submit that the petitioner sought for appointment of Advocate Commissioner to note down the physical features of the suit property and if it is done, it will minimize the oral and documentary evidence to be let in by the parties in the suit.



4 . The petitioner seeks only bare injunction and she has to prove her lawful possession of the property to maintain the prayer for injunction. Both the petitioner and the respondent are the co-owners under the partition deed dated 15.06.1998. The first respondent /first defendant is only a brother of the petitioner's husband and he was allotted D schedule property with specific measurement. It is the case of the petitioner that in the UDR patta issued in the name of the first respondent, measurement of the suit properties were not properly given and the correct measurements are given in the partition deed itself.

5. In the case on hand, both the parties claimed right under very same partition deed and according to the petitioner, the measurements of the properties allotted to the parties are mentioned in the partition deed. In such circumstances, it is open to the petitioner to produce the partition deed before the Trial Court and prove the measurement of the properties allotted to the respective parties. In order to prove the lawful possession of the property, appointment of Advocate Commissioner is not necessary. In the light of the specific pleading of the petitioner, she has not made out any case for appointment of Advocate Commissioner to note down the physical feature of the suit property. The Trial Court rightly dismissed the application and I do not find any error in the impugned order passed by the Trial Court.



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6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

24-11-2025

MST

To

The Additional District Munsif,
Kancheepuram.



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S. SOUNTHAR, J.

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