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CRP.No.5541 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5541 of 2025 and
CMP.No.27806 of 2025

G.Jayaseeli

... Petitioner

Vs.

S.Amavasai

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the Fair and Decretal order dated 24.09.2025 passed in IA No. 9 of 2025 in OS No. 43 of 2015 by the Honble District Munsif Court, Tiruttani by allowing the above Civil Revision Petition.

For Petitioners : Mr.E.Prabu

ORDER

The civil revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner/plaintiff seeking appointment of Advocate Commissioner along with Taluk Surveyor to inspect the suit property in Survey No.224/22 and respondent's land in Survey



No.224/21 and to demarcate the encroached portion which is described as suit “B” schedule property.

2. Earlier, the petitioner filed a suit for permanent injunction in respect of “B” schedule property. The petitioner is the owner of the property in Survey No.184/22 which is described as “A” Schedule property. A portion of the “A” schedule property on the southern side is shown as “B” schedule property. According to the petitioner/plaintiff, the defendant attempted to interfere her possession over “B” schedule property. Hence, the suit for bare injunction was laid.

3. Pending suit, at the instance of petitioner, Advocate Commissioner was appointed and he filed a report stating that respondent/defendant encroached suit “B” schedule property as to the extent of 5 feet North-South and 30 feet East-West. Based on the said Advocate Commissioner's report, the petitioner filed application for amendment of the plaint and amended the prayer for injunction and included prayer for recovery of possession. Thereafter, the instant application has been filed by the petitioner to measure the suit property in Survey No.184/22 and the adjacent property belongs to respondent/defendant in Survey No.184/2021. The said application was



dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel for the petitioner submitted that if Advocate Commissioner is appointed to measure the encroached portion of the suit property, it will minimize oral and documentary evidence in the suit.

5. As mentioned earlier, immediately after filing of the suit, the Advocate Commissioner was appointed and he measured the entire suit property and found that there was encroachment by the defendant on the suit “B” schedule property. He also mentioned the exact measurement of the encroached property. The petitioner, also accepted the same and based on the Advocate Commissioner's report, filed amendment application to introduce a prayer for recovery of possession of “B” schedule property. That amendment application was also allowed. Now, the instant application has been filed seeking appointment of Advocate Commissioner again to measure the suit property as well as property of the respondent. When the Advocate Commissioner already measured the suit property and filed a report giving exact measurement of the encroached portion and the same was also acted upon by the petitioner, the 2nd application filed by him seeking appointment of



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Advocate Commissioner is not at all necessary. Hence, the Trial Court rightly dismissed the application filed by the petitioner/plaintiff. I do not find any error in the order passed by the Trial Court. Accordingly, the Civil Revision Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

12.11.2025

Index : Yes / No
Internet : Yes / No
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To
The District Munsif Court, Tiruttani

S.SOUNTHAR, J.

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