



C.R.P.No.5286 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5286 of 2025

and

C.M.P.No.26566 of 2025

1. A.Venkatesan
2. Latchavathi ... Petitioners

Vs.

1. G.Mohana
2. Arunkumar ... Respondents

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, to set aside the fair and decretal order made in I.A.No.12 of 2025 in O.S.No.66 of 2022 on the file of the District Munsif Judge, Ponneri.

For Petitioners : Mr.R.Malaichamy

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below, dismissing the application filed by the petitioners/defendants 1 and 2 seeking appointment of an Advocate



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Commissioner to measure the suit 'B' schedule property in S.No.3/17 with the help of a Taluk Surveyor.

2.The first respondent herein filed a suit for bare injunction against the petitioners and second respondent herein.

3. It was the specific case of the first respondent/plaintiff that the suit 'B' schedule property is a common passage and defendants attempted to put up a construction thereon.

4. The petitioners herein/defendants 1 and 2, filed a written statement contending that the first respondent/plaintiff had executed a settlement deed in respect of a portion of the suit 'B' schedule property and without challenging the said settlement deed, the plaintiff is not entitled to maintain the present suit.

5. In this case, an Advocate Commissioner had already been appointed to measure the subject property with the assistance of a



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surveyor. The Advocate Commissioner also filed a report stating that it was difficult to measure the property in S.No.3/17 due to the objections and encroachment made by the petitioners. Now, the instant application has been filed by the petitioners stating that they have not made any encroachment in the suit 'B' schedule property and, therefore, an Advocate Commissioner may be appointed to measure the property with the assistance of a Taluk Surveyor.

6. The relief sought in the suit is for bare injunction. The first respondent has to establish his lawful possession over the subject property to succeed in the suit. When there is no serious dispute with regard to the physical features or location of the property, the appointment of an Advocate Commissioner is not all necessary in a suit for bare injunction, which has to be decided based on the evidence adduced. The Court below, has rightly dismissed the application filed by the petitioners for appointment of Advocate Commissioner on the ground that it was unnecessary. Hence, I do not find any illegality or irregularity in the order passed by the Court below.



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7. Accordingly, this Civil Revision Petition stands dismissed.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

ms

To
The District Munsif,
Ponneri.



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S.SOUNTHAR, J.

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