



C.R.P.No.5307 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.5307 of 2025
and C.M.P.No.26722 of 2025

A.Muthumariappan

... Petitioner

vs.

1.P.R.Sundaram

2.K.M.Yogeswaran

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order of dismissal dated 15.02.2024 passed in I.A.No.663 of 2014 in O.S.No.311 of 2000 by the learned Principal District Munsif at Alandur (now renumbered as O.S.No.163 of 2025 and transferred to Sub Court at Alandur) by allowing the application for appointment of an advocate commissioner with the help of the Taluk surveyor to identify the suit property on the basis of the title deeds of the plaintiff and the first respondent namely Exhibit A1, A10, B1, B2 and the revenue documents to the suit property.

For Petitioner : Mr.R.Manickavel

ORDER



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WEB COPY The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking appointment of Advocate Commissioner to measure the suit schedule property with the help of Taluk Surveyor in I.A.No.663 of 2014 in O.S.No.311 of 2000, dated 15.02.2024.

2. The petitioner herein originally filed a suit for permanent injunction against the respondents and the same was subsequently amended and prayer for declaration of title was included. Pending suit, the petitioner filed an application in I.A.No.663 of 2014 seeking appointment of Advocate Commissioner to measure the suit schedule property with the help of Taluk Surveyor and the same was dismissed. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner would submit that both the petitioner and respondents are claiming right over the suit property and unless the Advocate Commissioner is appointed and the property is identified with the original title documents of both the parties, the dispute



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cannot be solved.

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4. A perusal of the affidavit filed in support of the application for appointment of Advocate Commissioner would indicate the suit is of the year 2000 and the same was posted for arguments. At this stage, the petitioner has come up with this application seeking appointment of Advocate Commissioner. Further, in the affidavit the petitioner has not averred regarding alleged dispute with regard to the identity of the suit property. In such circumstances, in the absence of any reason in the affidavit filed in support of the prayer, this Court is unable to accept the contention raised by the petitioner for appointment of Advocate Commissioner.

5. The suit is for declaration of title and injunction. In a title suit, the petitioner has to succeed based on his strength. He has to establish his title by producing title document and to prove his possession by leading cogent evidence. In the absence of any dispute or controversy with regard to the location of the suit property, the appointment of Advocate Commissioner is not at all necessary in a title suit.

6. Accordingly, the Civil Revision Petition is dismissed. No costs.



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Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

WEB COM The Principal District Munsif,
Alandur.



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S.SOUNTHAR, J.

dm

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