



C.R.P.No.5210 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5210 of 2025
and C.M.P.No.26252 of 2025

1.Seenivasan

2.Sundaram

3.Sharath

... Petitioners

vs.

Arumugam

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair and Decree Orders dated 18.09.2025 passed in I.A.No.3 of 2025 in O.S.No.19 of 2022 on the file of the Principal District Munsif Court, Kallakurichi.

For Petitioners : Mr.M.Karthik

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioners/defendants seeking appointment of Advocate Commissioner to note down the physical features.

2. The respondent herein filed a suit for bare injunction in respect of the pathway. It was the specific case of the respondent that the



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petitioners/defendants interfered with the right to user and he was constrained to file a suit for bare injunction restraining the petitioners/defendants from interfering with his right of using the suit cart track.

3. In the suit, trial is already commenced and the evidence of plaintiff's side is over. At this stage, the instant application had been filed by the petitioners seeking appointment of Advocate Commissioner. In the affidavit filed in support of the petition for appointment of Advocate Commissioner, the petitioners have not stated any acceptable reasons for noting down the physical features in the suit property. When the petitioners have not disputed the physical features available in the suit property, the petition filed by them seeking appointment of Advocate Commissioner to note down the physical features is not at all necessary.

4. Further, the relief sought for in the suit is bare injunction restraining the petitioners herein from interfering with the right of the respondent from using the cart track. The respondent as a plaintiff has to prove his right of user and succeed in the suit. When there is no dispute with regard to the



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physical features of the suit property, the petition filed by the petitioners/defendants seeking appointment of Advocate Commissioner is wholly unnecessary and the same was rightly dismissed by the Court below and I do not find any error in the impugned order passed by the Court below in I.A.No.3 of 2025 in O.S.No.19 of 2022, dated 18.09.2025.

5. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

30.10.2025

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

To

The Principal District Munsif Court,
Kallakurichi.



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S.SOUNTHAR, J.

dm

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