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CRP No.5591 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No.5591 of 2025 and
CMP No.28057 of 2025**

G.Narasareddiyar

... Petitioner(s)

Vs.

1 . Kesavan

2 . Mariyammal

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the docket order dated 08.10.2025 made in I.A.No.917 of 2017 in O.S.No.217 of 2014 on the file of Principal District Munsif, Ulundurpet and directed the Trial Court to dispose it of first in accordance with law, within a stipulated time.

For Petitioner(s) : Mr.N.Naganathan

ORDER

This Civil Revision Petition is filed challenging the docket order passed by



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the Trial Court, closing the application filed by the petitioner/defendant, seeking appointment of Advocate Commissioner after receiving the report of the Advocate Commissioner as well as the objection raised by the petitioner/defendant.

2. The respondents/plaintiffs filed a suit for declaration declaring that the first plaintiff was owner of suit A schedule property and for injunction. They also sought declaration declaring that the 2nd plaintiff was owner of the B schedule property and for permanent injunction. Pending suit, at the instance of the defendant, an Advocate Commissioner was appointed and he filed a report. The petitioner/defendant filed his objection to the commissioner's report, stating that the commissioner failed to mention the proper age of cashew trees and teak trees, standing in the suit properties. In the objection, it was also stated by the petitioner that the first respondent/first plaintiff cut and removed certain teak and cashew trees in the suit properties and the Advocate Commissioner failed to measure the girth of the trees cut and removed by the respondents. After taking into consideration the objection of the petitioners, the Trial Court observed that the



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contentions raised by the petitioners can be decided only at the time of trial and

hence, closed the application for appointment of advocate commissioner.

Aggrieved by the same, the petitioners have come before this court.

3. It is seen from the typed set of papers that the suit was filed for declaration of title and consequential injunction. The age of the trees standing in the suit properties and measurements of the girth of the trees allegedly cut and removed from the suit properties are alien to the issues involved in the suit, which was filed for title and injunction. Therefore, the petitioner cannot have any grievance with regard to the impugned order, closing the petition for appointment of Advocate Commissioner. The respondents/plaintiffs have to prove their title and possession by leading independent evidence. The number of trees standing in the suit properties and the measurement with regard to the girth of trees etc. are not at all necessary to be noted by the Advocate Commissioner. Hence, I do not find any error in the impugned order passed by the Trial Court to interfere with the same.

4. Accordingly, this civil revision petition is dismissed. There shall be no



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order as to costs. Connected miscellaneous petition is closed.

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Internet: Yes

Index: Yes/No

Neutral Citation: Yes/No.

MST

To

The Principal District Munsif, Ulundurpet.



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S.SOUNTHAR, J.

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