



C.R.P.No.5883 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5883 of 2025
and C.M.P.No.29053 of 2025

1.Govindammal

2.Banumathi

... Petitioners

vs.

Saaminathan

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and final order dated 06.08.2025 made in I.A.No.32 of 2025 in O.S.No.193 of 2019 on the file of learned Principal District Munsif of Tirupur.

For Petitioners : Mr.Sanjay N Gandhi

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court in I.A.No.32 of 2025 in O.S.No.193 of 2019, dated



C.R.P.No.5883 of 2025

06.08.2025 dismissing the application filed by the petitioners seeking appointment of Advocate Commissioner along with Taluk Surveyor to measure the suit property and to note down the physical features.

2. The petitioners herein filed a suit for permanent injunction against the respondent. According to the petitioners, they have got right over the suit property under the Exchange Deed dated 24.08.2005 between the petitioners' father and legal heirs of one Sundaramoorthi. According to the petitioners, the respondent filed written statement claiming right over property lying on the south of dividing wall. However, the respondent/defendant has not produced any document in support of his claim. The instant application has been filed by the petitioners seeking appointment of Advocate Commissioner to note down physical features and measure the property. The said application was dismissed by the Trial Court. Aggrieved by the same, the petitioners have come before this Court.

3. The learned counsel appearing for the petitioners would submit that the appointment of Advocate Commissioner to note down the physical features and to measure the property with reference to the title deeds, will



C.R.P.No.5883 of 2025

enable the Court to decide the controversy.

WEB COPY

4. In the case on hand, as per the averment found in the affidavit filed in support of petition seeking appointment of Advocate Commissioner, the petitioners alone filed their title document. As per the averment in Paragraph No.11 of the said affidavit, the respondent/defendant though claimed right over vacant space on the south of wall, he has not filed any document in support of his claim. Therefore, as on today, only the petitioners filed their document and the respondent has not filed any rival document.

5. In such circumstances, no purpose will be served by appointing Advocate Commissioner to measure the suit property. If both the parties produce their respective document, Advocate Commissioner can be appointed to measure the property with reference to title deeds of both the parties. However, in the case on hand, the petitioners alone filed document. The respondent simply claimed right over the vacant space on the south of wall. However, he has not produced any documents.



C.R.P.No.5883 of 2025

6. In such circumstances, the request made by the petitioners for appointment of Advocate Commissioner to measure the property is not at all necessary in the light of the injunction prayer in the suit and the averments found in the affidavit. The petitioners also sought for noting down of physical features. In a suit for bare injunction, the petitioners have to prove their lawful possession by evidence and succeed. In the absence of any serious dispute with regard to the physical features, I do not think appointment of Advocate Commissioner is necessary to note down the physical features. The Trial Court rightly appreciated the same and dismissed the application. I do not find any error in the impugned order passed by the Trial Court in I.A.No.32 of 2025 in O.S.No.193 of 2019, dated 06.08.2025.

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

26.11.2025

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



dm

WEB COPY



C.R.P.No.5883 of 2025



C.R.P.No.5883 of 2025

To

WEB COM The Principal District Munsif,
Tirupur.



WEB COPY



C.R.P.No.5883 of 2025

S.SOUNTHAR, J.

dm

C.R.P.No.5883 of 2025

26.11.2025