



WEB COPY



CRP No.6424 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6424 of 2025 and
CMP No.31776 of 2025**

1. P.Malarkodi
residing at M/s Sembium Manali
Grama Seva Arakattalai, D.No.5/46,
Perumal Kovil Street, Sembium Manali
Village, Chennai - 600103.

2.A.Jeyapathy
residing at M/s Sembium Manali
Grama Seva Arakattalai, D.No.5/46,
Perumal Kovil Street, Sembium Manali
Village, Chennai - 600103.

3.N.Dinesh, Rep. By Their Power
agent A.Sivabhushanam, Trustee
residing at M/s Sembium Manali
Grama Seva Arakattalai, D.No.5/46,
Perumal Kovil Street, Sembium Manali
Village, Chennai - 600103.

Petitioner(s)

Vs

1. B.Mohammed Fahami
S/O. K.M.Basheer, No.110, 6th Street,
Secretariat Colony, Kilpauk,
Chennai - 600010

2.B.Mohammed Fazil Habbibullah
S/o.K.M.Basheer No.C-1, Touch Stone
Apartments NO.10, Vasu Street,
Kilpauk, Chennai-600010

Respondent(s)



CRP No.6424 of 2025

PRAYER: Civil Revision Petition filed under Article 227 of constitution of India to set aside the Fair and Decreetal order dated 25.09.2025 made in I.A.No.6 of 2025 in O.S.No.50 of 2020 passed by the District Munsif, Ponneri,

For Petitioner(s): Mr. P. Amarnath

ORDER

This Civil Revision Petition is filed challenging the order passed by the Trial Court , dismissing the application filed by the petitioners, seeking appointment of Advocate Commissioner.

2. The petitioners herein/plaintiffs filed a suit in O.S.No.50 of 2020 seeking bare injunction in respect of land situated in S.No.387/10, Sembium Manali Village, Ponneri Taluk, Tiruvallur District with an extent of 1 Acre 60 cents. The trial in the suit was already commenced and it is in the stage of recording evidence of DW1. The petitioners filed the instant application seeking appointment of Advocate Commissioner to note down the physical features of the property. According to the petitioners, there are building in the suit property and the same was denied by the respondents/defendants during the course of trial. Therefore, to ascertain the existence of building, appointment of advocate commissioner is necessary.



CRP No.6424 of 2025

3. A reading of the plaint would indicate that the petitioners have not mentioned about the existence of building in the suit property. Even in the plaint schedule, there is no mention about the existence of building and the property was described as “ lands measuring in total extent Acre 1.60 cents”. The petitioners/plaintiffs sought for bare injunction against the respondents/defendants. Therefore, the petitioners have to prove their lawful possession by leading evidence and they cannot seek appointment of advocate commissioner to collect evidence. In the absence of any pleading in the plaint that there were building in the suit property, the petition filed by the petitioners seeking appointment of advocate commissioner to note down the existence of building in the suit property is not at all warranted. Hence, this court is not inclined to interfere with the order passed by the Trial Judge.

4. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

16.12.2025

Internet: Yes
Index: yes/no
Neutral citation: Yes/No
MST

To

The District Munsif, Ponneri.



WEB COPY



CRP No.6424 of 2025

S. SOUNTHAR, J.

MST

CRP No.6424 of 2025

16.12.2025