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C.R.P.No.5788 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5788 of 2025
and C.M.P.No.28762 of 2025

1.T.Jeyaraman

2.T.Krishnamoorthy

... Petitioners

VS.

1.P.N.Ramesh

2.M.Jeganathan

3.M.Yoganathan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Order passed by the District Munsif Court, Tiruppur, dated 08.10.2025 made in I.A.No.524 of 2025 in O.S.No.163 of 2025.

For Petitioner : Mr.T.Gowthaman
for M/s.S.Karpagapriya



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ORDER

The Civil Revision Petition is filed challenging the order passed by the District Munsif Court, Tiruppur in I.A.No.524 of 2025 in O.S.No.163 of 2025, dated 08.10.2025 appointing an *exparte* Advocate Commissioner to note down the physical features in the suit property.

2. The 1st respondent herein filed a suit seeking declaration that he has got right of user over the Suit Item-2 pathway and for injunction restraining the defendants from interfering with plaintiff's right of user. He also sought for injunction restraining the defendants from interfering with his alleged right to lay drainage pipeline in Suit Item-2. Pending suit, the 1st respondent also filed an application I.A.No.524 of 2025 seeking appointment of Advocate Commissioner to note down the physical features in the suit property. In the affidavit filed in support of the said application, it was stated by the 1st respondent that the defendants in the suit namely the petitioners and respondents 2 and 3 herein attempting to destroy the pathway lying in Item 2 of the suit property. Taking note of the said



averment, the Trial Court was pleased to appoint an exparte Advocate Commissioner directing him to note down the physical features. Aggrieved by the said order, the petitioners have come before this Court.

3. The learned counsel appearing for the petitioners would submit that the 1st respondent has not made out any case for appointment of Advocate Commissioner, therefore, the impugned order passed by the Trial Court is liable to be interfered with.

4. It is seen from the affidavit filed in support of the petition filed for appointment of Advocate Commissioner, it was claimed by the 1st respondent that defendants namely petitioners and respondents 2 and 3 attempting to destroy the pathway in Item-2 of the suit property. In view of the said averment made in the affidavit, the Trial Court thought it fit to appoint an Advocate Commissioner to note down the physical features in the suit property.

5. Merely noting down the physical features will not cause any prejudice to the right of the petitioners. It is always open to them to enter



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appearance and file their objections to the report submitted by the Advocate

Commissioner, if necessary they can even seek scrapping of the report of the Advocate Commissioner by pointing out defect thereof or seek re-issue of warrant for local inspection in their presence. Therefore, I do not think the order impugned in this revision will not cause any prejudice to the petitioners to compel this Court to interfere with the same.

6. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioners to file all their objections to the report of the Advocate Commissioner. No costs. Consequently, the connected civil miscellaneous petition is closed.

19.11.2025

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

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Tiruppur.



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S.SOUNTHAR, J.

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