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CRP.No.6509 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6509 of 2025 and
CMP No.32142 of 2025**

1. Palanivel

S/o. Murugaiyan, 2/23, North Street,
South Poigainallur, Nagapattinam.

Petitioner(s)

Vs

1. Ramakrishnan

S/o. Rangasamy, Old No.4/72B, New
No.4/263, Veerankudikadi, North
Poigainallur, Nagapattinam.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and final order dated 06-11-2025 passed in IA.No.3 of 2024 in A.S.No.40 of 2024 on the file of the Sub Court, Nagapattinam.

For Petitioner(s): Mr.K.SUKUMARAN



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ORDER

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This Civil Revision Petition is filed, challenging the order passed by the first appellate court, allowing the application filed by the respondent, seeking appointment of Advocate Commissioner.

2. The petitioner herein/plaintiff filed a suit in O.S.No.64 of 2018 seeking bare injunction against the respondent/defendant before the Trial Court. In the plaint, the suit property was described as a land with an extent of 51 cents at Vadakku Poigai Nallur Village, Nagapattinam Taluk and District. In the plaint schedule description, there is no mention about the existence of any superstructure. The suit was decreed in favour of the petitioner/plaintiff by the Trial Court. Aggrieved by the same, the unsuccessful defendant, filed an appeal in A.S.No.40 of 2024 before the first appellate court. Pending appeal, the respondent/defendant filed the instant application seeking appointment of Advocate Commissioner to note down the physical features of the suit property.



3. In the affidavit filed in support of the application seeking appointment of Advocate Commissioner, it was asserted by the respondent that there is a house in the suit property and he is residing thereon. It is further stated by him that the petitioner herein/plaintiff attempted to interfere with his possession and to demolish the same. It is also stated by him that if the superstructure stand in the suit property is demolished, he would be put to irreparable loss and hardship. Even in the written statement filed before the Trial court, it was asserted by the respondent/defendant that he put up a house in the suit property and residing thereon. Therefore, there is a controversy in the pleadings with regard to the existence of superstructure in the suit property. The petitioner/plaintiff described the suit property as a land without superstructure, whereas, the respondent/defendant asserted that there is a superstructure and he is residing thereon and the petitioner/plaintiff attempted to demolish the superstructure. In such circumstances, it is necessary to appoint an Advocate Commissioner to note down the physical features of the suit property and to file a report. Therefore, I do not find any error in the impugned order passed by the first appellate court to interfere with the same.



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

19.12.2025

Internet : Yes

Index : Yes / No

Neutral Citation: Yes/No

MST

To

The Subordinate Judge, Nagapatinam.



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S.SOUNTHAR, J.

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