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CRP.No.6240 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.6240 of 2025 and
CMP.No.30840 of 2025

Kalaivani

... Petitioner

Vs.

Murugesan

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the fair order and decreetal order passed on 13.10.2025 in I.A.No.1 of 2022 in O.S.No.166 of 2022 on the file of the learned District Munsif, Gudiyatham and allow I.A.No.1 of 2022.

For Petitioner

: Mr.M.Marudhachalam

ORDER

This Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking



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appointment of advocate commissioner for local inspection along with surveyor.

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2. The petitioner herein filed a suit seeking declaration of title and permanent injunction. He also sought for cancellation of sale deed in favour of defendant in Document No.12/2020. Pending suit, instant application had been filed for appointment of advocate commissioner seeking partition of the suit property with the help of Surveyor. The said application was dismissed by the trial Court. Aggrieved by the same, the petitioner has come before this Court.

3. The petitioner filed a suit for declaration of title and permanent injunction along with incidental reliefs. The petitioner has not filed the suit for partition of property. In the affidavit filed in support of the instant application, it was stated by the petitioner that the patta for the suit property stands in the name of petitioner and respondent and therefore, the property shall be measured and the property belongs to the petitioner shall be partitioned from the property belong to the defendant.



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4. When the petitioner seeks declaration and injunction, he has to establish his right and possession over the suit property and succeed. In the absence of prayer for partition in main suit, the prayer sought for in interlocutory application falls outside the scope of the suit. Therefore, the trial Court was justified in dismissing the instant application. I do not find any error in the order passed by the trial court. Accordingly, this Civil Revision Petition stands dismissed. However, the dismissal of the present revision will not come in the way of the petitioner seeking appointment of advocate commissioner along with Surveyor for measuring the suit property, if so advised. If any such application is filed, the same shall be decided by the trial court on its own merits without being influenced by anything said in this order. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2025

Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes/No
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To

The District Munsif,
Gudiyatham.

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