



WEB COPY

CRP No. 6421 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 6421 of 2025

1. NAGARAJ

S/o.Sellamuthu Udayar, res at NO.277,
Kandasamy Koil Street, Dadampatti,
Salem-636014

2. BHUVANESHWARI

W/o.Nagaraj, res at NO.277,
Kandasamy Koil Street, Dadampatti,
Salem-636014

3. SENTHILNATHAN

S/o.Nagaraj, res at NO.277, Kandasamy
Koil Street, Dadampatti, Salem-636014

4. VINOTH

S/o.Nagarajan No.277, Kandaswamy
Koil Street, Tadampatti salem-636014

5. RAJA

S/o.Sellamuthu Udayar Kandasamy
Koil Street, Dadampatti salem-636014

Petitioner(s)

Vs

1. S.Andal

W/o. Selvaraj, No.281,282, Muniappan
Koil Street, Dadampatti,
Salem-636 014.

2.S.Vijayarajan

W/o.Selvaraj NO.281,282, Muniappan
Koil street, Dadampatti Salem-636014



Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside docket order dated 23.07.2025 and scrap the Advocate Commissioner's report filed in IA No.2/2019 in OS No.80/2019 on the file of the IV Additional District Munsif Court, Salem, and consequently appoint a fresh Advocate Commissioner to measure the suit property strictly in accordance with the court warrant.

For petitioner:

Ms.J.Sabitha
for Mr.S.Kumar**ORDER**

This Civil Revision Petition is filed, challenging the order passed by the Trial Court, closing the application filed by the respondent, seeking appointment of Advocate Commissioner along with surveyor to measure the property and note down the physical features.

2. The respondent herein/plaintiff filed a suit seeking direction to the petitioner/defendant to remove the compound wall constructed on the northern side of the suit property. At the instance of the respondent/plaintiff, an Advocate Commissioner was appointed and he visited the property and measured the same with the help of qualified surveyor and he filed his report. Being aggrieved by the report filed by the Advocate Commissioner, the petitioner filed an objection on 23.07.2025. The Trial Court had taken note of



the objection filed by the petitioner and closed the said petition. Aggrieved by the same, the petitioner has come before this court.

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3. In the objection filed by the petitioner, certain allegations were made by the petitioner with regard to the incident, that had taken place at the time of local inspection by the Advocate commissioner. Merely because the Advocate Commissioner filed a report, it cannot be taken into consideration by the court, unless the objections are considered in the manner known to law. Therefore, the petitioners cannot be aggrieved by the order passed by the Trial Court, closing the petition, after receiving objection filed by them. Whether the Advocate Commissioner's report can be relied or not is a matter to be adjudicated by the Trial Court at the time of final disposal. Therefore, I do not find any error in the impugned order passed by the Trial Court.

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

16-12-2025

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

MST

To

The IV Additional District Munsif, Salem.



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SOUNTHAR, J.

MST

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