



C.R..P.(PD)(MD).No.1352 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 25.04.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

C.R.P(PD)(MD)No.1352 of 2025

and

C.M.P(MD) No.7031 of 2025

Murugesan

... Petitioner/Petitioner/  
2<sup>nd</sup> Defendant

Vs.

1. R.M.Thinnappan @ Renganathan

2. T.Umayal

... Respondents/Respondents/  
Plaintiffs

**PRAYER:** Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 27.01.2025 passed in I.A.No.19 of 2024 in O.S.No.56 of 2019 on the file of the Subordinate Court, Devakottai and to allow this revision petition.

For Petitioner : Mr.C.Jeya Prakash



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## **ORDER**

The second defendant in O.S.No.56 of 2019 on the file of the Sub Court, Devakottai, has filed the present Civil Revision Petition challenging the dismissal of his application for appointment as an Advocate Commissioner.

2. A perusal of the records reveal that the respondents herein have filed the above said suit for the relief of declaration of title and recovery of possession. When the suit was posted for cross examination of P.W.1, the present application has been filed for appointment of an Advocate Commissioner to note down the physical features of the property with the help of a Surveyor and take photographs and videographs. This application has been dismissed by the trial Court. Challenging the same, the present Civil Revision Petition has been filed.

3. According to the learned counsel appearing for the revision petitioner, the plaintiffs have filed the above said suit on the ground that the suit schedule property is a vacant site but on the other hand, buildings are



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located. That apart, there is a serious boundary dispute with regard to the suit schedule property.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. Being a suit for declaration of title and recovery of possession, the entire burden will be upon the plaintiffs to establish their title and right to get back possession from the defendants. In case, if the defendants have raised any dispute with regard to the boundary, the burden is upon the plaintiffs to establish the same. If the defendants want to establish the fact that there are buildings located in the suit schedule property, it can be done, by filing appropriate documents. Therefore, the appointment of an Advocate Commissioner is not necessary and the trial Court has rightly rejected the application and there are no merits in this Civil Revision Petition.



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6. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

**25.04.2025**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
ebsi

To

1. The Sub Court,  
Devakottai.
2. The Section Officer,  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.



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**R.VIJAYAKUMAR,J.**

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