



C.R..P.(PD)(MD).No.1244 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.1244 of 2025

and

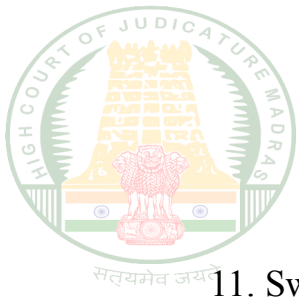
C.M.P(MD) No.6572 of 2025

Anushya Joy Santhanidhi

... Petitioner/1st Respondent/
1st Defendant

Vs.

1. John Manickaraj
2. Glori
3. Meenatchi
4. Lakshmi
5. Santhakumari
6. Kiruba Angel
7. Joy Siliviya
8. Jerinjothi
9. Selvaleelahepsy
10. Kalef



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11. Sweety

12. Abishek

13. Immanuel

... Respondents 1 to 13/
Petitioners/
Plaintiffs 1 to 13

14. Rajith Sam

15. Rakshan Sam

... Respondents 14 and 15/
Respondents 2 and 3
Defendants 2 and 3

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.1 of 2024 in O.S.No.115 of 2024, dated 13.02.2025 pending on the file of Principal District Munsif Court, Thoothukudi.

For Petitioner : Mr.P.Sujai Krishna

ORDER

The first defendant in O.S.No.115 of 2024, on the file of Principal District Munsif Court, Thoothukudi, has filed the present Civil Revision Petition challenging the order of appointment of an Advocate Commissioner to note down the physical features of the property with the help of a Surveyor.



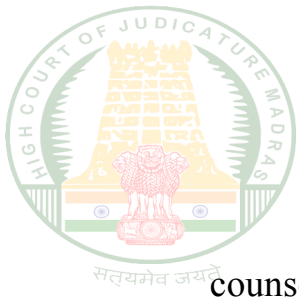
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2. According to the learned counsel appearing for the revision petitioner, the suit has been filed for the relief of permanent injunction based upon a compromise decree passed in O.S.No.13 of 1987 on the file of Sub Court, Tuticorin. The contention of the revision petitioner is that the schedule of property found in the compromise decree is not in consonance with the schedule of property found in the present suit. He has further contended that the suit schedule property is not available on ground. Therefore, the appointment of an Advocate Commissioner is not necessary.

3. The trial Court has proceeded to allow the application. Challenging the same, the present Civil Revision petition has been filed.

4. As noted above, there is a clear dispute between the parties with regard to the lie and location of the property. It is also disputed that whether the property in the compromise decree is the same property that is found in the present suit or not. In order to thrash out these issues, appointment of an Advocate Commissioner is necessary. The trial Court has rightly allowed the application for appointment of an Advocate Commissioner. In case, if the several changes have taken place after the compromise decree, it is for the



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counsel for the revision petitioner to issue memo of instructions to the Advocate Commissioner in that regard.

5. With the above said observations, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

21.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal District Munsif Court,
Thoothukudi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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