

CRP(MD). No.1493 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

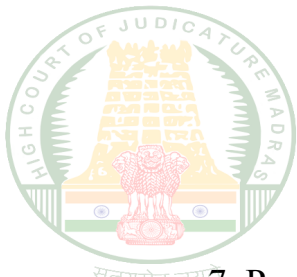
**CRP (MD). No.1493 of 2022
and CMP(MD) No.6270 of 2022**

1. Karuppa Thevar,,
2. Murugan (Died),
Jeyaraman,,
3. Paraman (Died),
Mayakkal (Died),
4. Prabakaran,
5. Baskaran,
6. Soundarapandi,
7. Vijaya,
8. Premkumar,
9. Venu Prakash

... Petitioners

Vs

1. Angappan
2. Sivakumar
3. Jeyalakshmi
4. Rajamani
5. Chinnan
6. Ponnangan



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7. Paraman
8. Ganesan

9. Ayutham

... Respondents

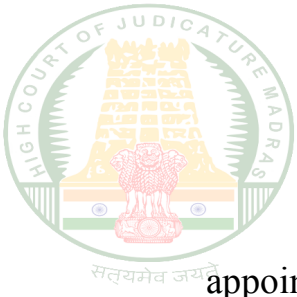
PRAYER :-Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and executable order dated 08-04-2021 passed in the application in I.A.No.85 of 2019 in O.S.No.68 of 2012 on the file of the District Munsif cum Judicial Magistrate Court No.1 Usilampatti.

For Petitioners : Mr.J.Barathan
For Respondents : Mr.D.S.Haroon Rasheed for R1
No appearance for R2 to R8

ORDER

The Civil Revision Petition is filed against the fair and executable order dated 08-04-2021 passed in the application in I.A.No.85 of 2019 in O.S.No.68 of 2012 on the file of the District Munsif cum Judicial Magistrate Court No.1 Usilampatti.

2. The petitioners are the plaintiffs in OS No.68/2012, which was filed for declaration and permanent injunction. Pending suit, the petitioners have filed an interlocutory application in IA No.142/2012 for



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appointment of Advocate Commissioner to measure the property and for filing a report. Pursuant to the order passed, an Advocate Commissioner was appointed and he has also filed a report. Not being satisfied with the report of the Advocate Commissioner and since the survey was conducted without the assistance of a Surveyor and no clarity in the said report, the petitioners have again filed an interlocutory application in IA No.85/2019 for appointing another Advocate Commissioner or to reissue commission warrant to the same Commissioner to inspect the property with the help of Taluk Surveyor. The said application came to be dismissed, against which, the petitioners are before this Court.

3. The learned counsel for the petitioners would submit that since the survey has not been conducted with the help of a Surveyor and since there is no clarity in the report, he prays for interference for inspecting the property and filing a report. He would further submit by re-issuing the commission, no prejudice would be caused to the respondents.



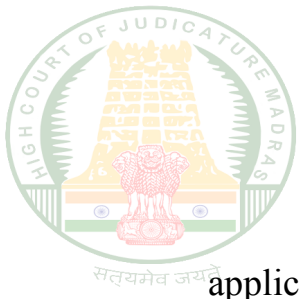
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4. The learned counsel for the first respondent would however submit that already a Commissioner was appointed in the year 2012 and report has also been filed and after lapse of seven years, again filing an application for re-issuance of warrant and to appoint a Commissioner is unwarranted and when the relief sought by the petitioners is only for declaration and permanent injunction, in which, there is no question of boundary dispute. The learned counsel would submit that the trial Court rightly dismissed the application considering all these aspects. Accordingly, he prays for dismissal.

5. I have considered the rival submissions and perused the materials available on record.

6. It is pertinent to note that the suit is filed for declaration and permanent injunction and pending suit, an interlocutory application has been filed to measure the suit property with the help of Surveyor and after inspection and measurement, a report has been filed. Not being satisfied with the said report, the petitioners have filed another



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application for the very same relief, however, to measure the property with the help of Taluk Surveyor. The earlier application was filed in the year 2012 and the application was filed again in the year 2019 after a lapse of seven years for the very same relief. When the earlier report of the Commissioner is sufficient to decide the suit and the present application has been filed after a lapse of seven long years, the said application was dismissed. Accordingly, no interference is warranted to the order of the trial Court.

7. In the result, the Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

23.07.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The District Munsif cum Judicial Magistrate Court No.1 Usilampatti

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN**

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