



C.R.P.(PD)(MD).No.1265 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1265 of 2022
and
C.M.P.(MD)Nos.5192 of 2022

RM.Meenakshiammal

... Petitioner

Vs.

S.Balamurugan

... Respondent

PRAYER: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 22.03.2022 passed in I.A.No.138 of 2020 in O.S.No.355 of 2018 on the file of the Principal District Munsif Court, Madurai Town and direct the Court below to appoint an Advocate /Commissioner as prayed for in that application to measure the petitioner's property and to file the report of the physical features.

For Petitioner : Mr.D.P.Sundararaj
For Respondent : Mr.S.Ramesh



C.R.P.(PD)(MD).No.1265 of 2022

WEB COPY

ORDER

This Civil Revision Petition is filed challenging the order passed in I.A.No.138 of 2020 in O.S.No.355 of 2018 dated 22.03.2022 by the learned Principal District Munsif, Madurai Town.

2.The petitioner is the defendant in the suit in O.S.No.355 of 2018 filed by the respondent. In that suit, initially the respondent filed an application in I.A.No.445 of 2018 for appointing an Advocate Commissioner under Order XXVI Rule 9 of CPC to measure the property with the qualified surveyor. Thereafter, the commissioner was appointed and he has also filed a report before the trial Court, in which the petitioner made an objection that the property measured by the Advocate Commissioner is the property of the petitioner. Thereby, the petitioner filed an application in I.A.No.138 of 2020 for measuring the suit property once again. However, the said application was dismissed. Challenging the same, the present Civil Revision Petition is filed.



C.R.P.(PD)(MD).No.1265 of 2022

WEB COPY

3.The learned counsel for the petitioner further submits that though the petitioner seeks for an appointment of Advocate Commissioner once again, he would be satisfied if a direction is issued to the trial Court to consider the objections raised by the petitioner as against the report filed by the Advocate Commissioner and also the grounds raised in this Civil Revision Petition before the trial Court at the time of trial.

4.Considering the limited request of the petitioner, this Civil Revision Petition is dismissed with liberty to the petitioner to raise all the grounds raised in this Civil Revision Petition and the objection with regard to the report filed by the Advocate Commissioner, before the trial Court at the time of trial. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ta



C.R.P.(PD)(MD).No.1265 of 2022

WEB COPY

To

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



WEB COPY



C.R.P.(PD)(MD).No.1265 of 2022

M.DHANDAPANI,J.

ta

C.R.P.(PD)(MD)No.1265 of 2022

04.07.2025