



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.1784 of 2025

and

C.M.P.(MD)No.9725 of 2025

1.T.Athisayaraja

2.A.Thanalekshmi

3.A.Thinagar

...Petitioners

Vs.

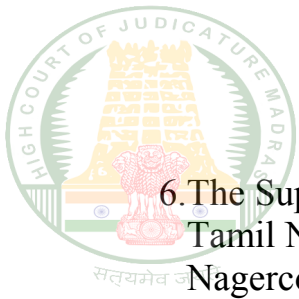
1.M.A.Zafrulla Khan

2.M.Jahera Rahumath @ Jameela

3.M.Faizal Khan

4.The Junior Engineer (Distribution),
Tamil Nadu Electricity Board,
Aralvoimozhi, Aralvoimozhi Post,
Aralvoimozhi Village, Thovalai Taluk,
Kanyakumari District.

5.The Assistant Division Engineer, (Distribution),
Tamil Nadu Electricity Board,
Boothapandi,
Boothapandi Post, Thovalai Taluk,
Kanyakumari District.



6.The Superintending Engineer,
Tamil Nadu Electricity Board,
Nagercoil, Parvathipuram,
Parvathipuram Post,
Nagercoil Village, Agastheeswara Taluk,
Kanyakumari District.

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order passed in I.A.No.8 of 2024 in O.S.No.96 of 2014 on the file of the Additional District and Sessions Court (Fast Track Court), Kanyakumari District at Nagercoil, dated 12.03.2025.

For Petitioners : Mr.Charles Kamalesh M.Appaji

ORDER

This Civil Revision Petition has been filed seeking orders to set aside the fair and decreetal order dated 12.03.2025 passed in I.A.No.8 of 2024 in O.S.No. 96 of 2014 on the file of the Additional District and Sessions Court (Fast Track Court), Kanyakumari District at Nagercoil.

2. The petitioners herein filed a suit in O.S.No.96 of 2014 before the learned Additional District and Sessions Judge, Kanyakumari District at Nagercoil, against the respondents, seeking decree for declaration and permanent injunction. During the pendency of the suit, the petitioners filed an interlocutory application in I.A.No.8 of 2024 under Order XXVI Rule 9 read with Section 151 of the Code of Civil Procedure, seeking appointment of an



Advocate Commissioner to inspect and note down the physical features of the suit schedule property, including the nature of the buildings existing thereon.

However, the said petition was dismissed by the trial Court on 12.03.2025.

Aggrieved by the same, the present Civil Revision Petition has been filed.

3. The learned counsel for the petitioners submitted that during the cross-examination of the defendant, certain admissions were made regarding the physical features of the property. To verify and record the same, the petitioners sought the appointment of an Advocate Commissioner. He further submitted that no prejudice would be caused to the respondents by such an appointment. Hence, the dismissal of the application is unjustified, and the impugned order is liable to be set aside.

4. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

5. Upon considering the facts and circumstances of the case, it is seen that the petitioners have filed the suit challenging the validity of a sale deed, seeking declaration that it is null and void and consequent permanent injunction. When the validity of a document of title is in issue, the primary question pertains to legal title and not the physical features of the property. Therefore, the trial Court was justified in dismissing the application, as the



appointment of an Advocate Commissioner to note down the physical features would not aid in resolving the main issue involved in the suit. This Court finds no reason to interfere with the well-reasoned order passed by the trial Court.

6. Accordingly, this Civil Revision Petition stands dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

30.06.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Additional District and Sessions Court (Fast Track Court), Kanyakumari District at Nagercoil.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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