



CRP(MD). No.1675 of 2025

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

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**Dated : 08/07/2025**

**CORAM**

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

**CRP (MD). No.1675 of 2025  
and CMP(MD) No.8899 of 2025**

R.Jeyashukumar

... Petitioner

**Vs**

P.Kathavarayan

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.5 of 2025 in O.S.No.7 of 2023 dated 24.04.2025 on the file of the IV Additional District Munsif, Tiruchirappalli.

For Petitioner : Mr.D.Boopal

For Respondent : Mr.K.Sivabalan for

M/s.Aran Legal Consultancy

**ORDER**

The Civil Revision Petition is filed against the fair and decreetal order passed in I.A.No.5 of 2025 in O.S.No.7 of 2023 dated 24.04.2025 on the file of the IV Additional District Munsif, Tiruchirappalli.



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2. The learned counsel for the petitioner would submit that the petitioner, being plaintiff, filed a suit in OS No.7 of 2023 for bare injunction against the defendants on the premise as if the petitioner is a cultivating tenant of the suit property under the first defendant. The 4<sup>th</sup> respondent defendant claims that he entered into a sale agreement with the defendants 1 to 3 and filed an interlocutory application under Order XXVI Rule 9 r/w Section 151 of the Code of Civil Procedure for appointment of Advocate Commissioner to note down the physical features with the help of photographs to ascertain as to whether any cultivation is going on or done by the plaintiff. The same was allowed, aggrieved by the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that by filing the interlocutory application, the 4<sup>th</sup> defendant has made an effort to collect the materials against the petitioner and hence, such an approach cannot be allowed by the trial Court and on this sole ground, he prays for interference.



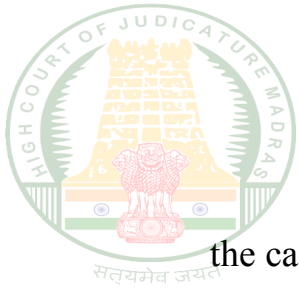
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4. On the other hand, the learned counsel for the respondent/4<sup>th</sup> defendant would submit that though the application was filed under Order XXVI Rule 9 r/w. 151 of the Code, to appoint an Advocate Commissioner to ascertain as to whether any cultivation is going on and also to note down the physical features and the said petition was allowed by appointing an Advocate Commissioner with a direction to the Commissioner to inspect the property and file a report on or before 02.06.2025. Since the petitioner would not be prejudiced by appointment of Advocate Commissioner, the order of the Court below needs no interference, he contended.

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

6. Upon considering the submissions made, this Court is of the considered opinion that the report of the Advocate Commissioner is a piece of evidence to decide the issue and and it will not be the conclusive proof. Hence no prejudice would be caused to the petitioner by appointment of Advocate Commissioner. It is for the plaintiff to prove



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the case before the trial Court by adducing necessary evidence and hence,  
no interference is warranted to the order passed by the trial Court.

Accordingly, the civil revision petition is dismissed. No costs.

Consequently connected Miscellaneous Petition is closed.

**08.07.2025**

**NCC : Yes/No**

**Index : Yes/No**

**RR**

TO

1.The IV Additional District Munsif, Tiruchirappalli.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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**M.DHANDAPANI,J**

**RR**

**ORDER  
IN  
CRP(MD) (NPD) No.1675 of 2025**

**Date : 08/07/2025**