



CRP(MD). No.1954 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 21/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1954 of 2025
and CMP(MD) No.11229 of 2025**

1. Bagavathi,
2. Krishnan,
3. Muthukrishnan,
4. Rajeshwari,
5. Veni Alias Krishna Veni,
6. Vinayaga Manikandan,
7. Ramu Alias Ramkumar

... Petitioners

Vs

Kanagam

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the order dated 05.04.2025 made in IA No.11 of 2025 in OS No.301 of 2017, on the file of the Additional Sub Court, Tenkasi.



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WEB COPY For Petitioner : Mr.P.Baburaj

ORDER

The Civil Revision Petition is filed against the order dated 05.04.2025 made in IA No.11 of 2025 in OS No.301 of 2017, on the file of the Additional Sub Court, Tenkasi.

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

3. The petitioners are the plaintiffs and they instituted the suit in OS No.301/2017. During the pendency of the suit, the petitioners filed an interlocutory application for appointment of Advocate Commissioner to note down the physical features of the property and file a report and the said petition came to be dismissed, challenging which, the petitioners are before this Court with this petition.

4. The learned counsel for the petitioners would submit that the petition is for ascertaining the physical features of the property and the



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trial Court dismissed the same on the ground that the petition is only for ascertaining the physical features of the property and when the petitioners can very well establish the same photographs and videographic mode, the appointment of Advocate Commissioner is not warranted. However, the learned counsel would submit that if the Commissioner is appointed to note down the physical features and take photographs that may be evidenced before the trial Court and hence, the order dismissing the petition is not sustainable and prays for interference.

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

6. Considering the facts and circumstances of the property for which the appointment of Advocate Commissioner is prayed for and considering the fact that the compound wall, which is sought to be measured is more than 100 years old, the petitioners' application was dismissed on the ground that due to technological development, the appointment of Advocate Commissioner is not warranted. Since the suit property is a common wall and the physical features and conditions can



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very well be determined through other modes, the trial Court has rightly dismissed the petition, which, in the considered opinion of this Court, does not warrant any interference. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

21.07.2025

NCC : Yes/No
Index : Yes/No
RR
TO

1.The Additional Sub Court, Tenkasi.

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



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1954 of 2025**

Date : 21/07/2025