



CRP(MD). No.2361 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29/08/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2361 of 2025
and CMP(MD) No.14155 of 2025**

Krishnan

... Petitioner

Vs

Madathiammal (Died)

1. Sami

2. Murugan

3. Pappa

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the impugned fair and decreetal order passed in IA No.10 of 2025 in OS No.260 of 2018 dated 09.06.2025 on the file of the Principal District Munsif Court, Tenkasi.

For Petitioner : Mr.M.M.Manielpandian



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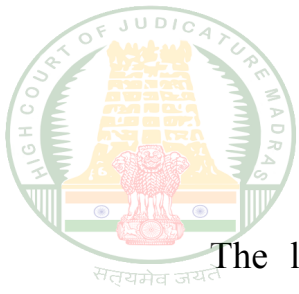
ORDER

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The Civil Revision Petition is filed against the fair and decreetal order passed in IA No.10 of 2025 in OS No.260 of 2018 dated 09.06.2025 on the file of the Principal District Munsif Court, Tenkasi.

2. Since no adverse order is going to be passed against the respondents, notice to the respondents is dispensed with.

3. The learned counsel for the petitioner would submit that the petitioner is the defendant in OS No.260/2018 and the suit was filed by the respondents/plaintiffs for permanent injunction. Earlier the respondents/plaintiffs filed an interlocutory application in IA No.8/2024 for appointment of Advocate Commissioner under Order XXVI Rule 9 of the Code of Civil Procedure and the same was allowed and the commissioner filed a report, in which, the petitioner has filed his objection. Thereafter, the petitioner filed an application to scrap the report of the Commissioner and reissue the report by appointing another Advocate Commissioner to measure the property and the said application came to be dismissed, against which, the petitioner is before this Court.

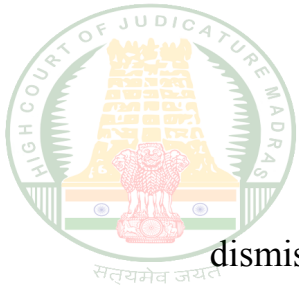


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The learned counsel would submit that if the report of the earlier Advocate Commissioner is scrapped, then only appointment of new Advocate Commissioner will arise and hence, the petitioner filed the said application and hence, prays for appropriate direction.

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

5. Though earlier on the application filed by the respondents for appointment of Advocate Commissioner, an Advocate Commissioner was appointed and the report of the Commissioner was objected to by the petitioner and again the petitioner filed a petition to scrap the said report and for appointing a new Advocate Commissioner. However, considering the facts and circumstances of the case, when the objection raised by the petitioner was considered and taken on file by the Court below, the filing of a petition for appointing another Advocate Commissioner does not warrant. The Court below has considered all these facts rightly and dismissed the petition, which does not call for any interference at the hands of this Court. Accordingly, the Civil Revision Petition is



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dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

29.08.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The Principal District Munsif Court, Tenkasi.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.2361 of 2025**

Date : 29/08/2025