



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1137 of 2020

and

C.M.P.(MD).No.7278 of 2020

George

...Petitioner

Vs.

1.Radhakrishnan

2.Radhikala

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the fair and decreetal order in I.A.N. 491 of 2018 in O.S.No.72 of 2013 passed by the Principal District Munsif, Sathankulam, dated 22.10.2019 and set aside the same.

For Petitioner : Mr.K.P.Narayanakumar

R-1 : Died

For R-2 : No appearance

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ORDER

This petition has been filed seeking orders to set aside the fair and decreetal order in I.A.No.491 of 2018 in O.S.No.72 of 2013 passed by the learned Principal District Munsif, Sathankulam, dated 22.10.2019.

2. The petitioner herein filed a suit in O.S. No.72 of 2013 before the learned District Munsif, Sathankulam, seeking bare injunction to restrain the respondents from interfering with the petitioner's peaceful possession and enjoyment of the suit schedule property. During the pendency of the suit, the respondents filed an application in I.A. No.491 of 2018 before the learned Principal District Munsif, Sathankulam, seeking appointment of an Advocate Commissioner to inspect the property, note down the physical features, and ascertain whether the disputed property is a pooja room belonging to the petitioner or a Sakthi Temple, as claimed by the respondents. The learned Principal District Munsif, Sathankulam, allowed the said application on 22.01.2019. Challenging the said order, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property in Survey No.1450/19, bearing Door No. 16/51, and that the petitioner has been in possession and enjoyment of the said property, wherein he has also constructed a house including a pooja room. He would further submit that the appointment of an Advocate Commissioner to



ascertain whether the disputed property is a pooja room or a Sakthi Temple is unnecessary, as it is for the respondents to establish their title over the property, if any, and not through a commissioner's report. He also points out that the Sakthi Temple, as claimed by the respondents, is situated in Survey No. 1450/14, whereas the suit schedule property is in Survey No.1450/19. Accordingly, he prays for allowing this petition

4. Since the name of the second respondent has been printed in the cause list, none appears on behalf of him.

5. Considering the pendency of this case, this Court is inclined to dispose of the Civil Revision Petition.

6. Admittedly, the petitioner filed a suit for bare injunction seeking to restrain the respondents from interfering with the suit property. He claimed to be the owner of the property situated in Survey No.1450/19 and asserted that he had constructed a house bearing Door No.16/51, wherein a portion is being used as a pooja room. In order to ascertain the physical features of the property, the trial Court appointed an Advocate Commissioner. It is well settled that the report of the Advocate Commissioner is only a piece of evidence and not conclusive proof. The petitioner has to prove his title. Therefore, no prejudice is caused to the petitioner. Hence, this Court finds no reason to interfere with the



order passed by the trial Court, and accordingly, the Civil Revision Petition stands dismissed. However, it is open to the petitioner to file objections if the report of the Advocate Commissioner is found to be contrary to his interest.

7. Accordingly, the Civil Revision Petition stands dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

19.06.2025

Internet: Yes/No
Index: Yes/No
TSG

To

1.The Principal District Munsif, Sathankulam.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG

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