



CMP(MD). No.13448 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twentieth day of August Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

CMP(MD). No.13448 of 2025

in

SA No.336 of 2001

1. Syathal Beevi,
2. Aysha Beevi,
3. Mohammed Ali,
4. Fathima Beevi,
5. Syed Ali,
6. Mohammed Faruq Sait,

... Petitioners/Respondents Nos.13, 15, 19,
20, 23 & 26.

Vs

1 Duraiswamy

2 Kovilmani,

...Respondents1 & 2/ Appellants

3 Mohammed Rowther @ Mohammed Maideen (Died)

4 Anna Lakshmi

5 Subbammal

6 Sankaralingam

7 Ganapathy



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8 Murugesan

9 Rajalakshmi

10 Rubi Jeba Selvin

11 Leelaraj

12 Deivanaiammal

13 Selvaraj

14 Thangaraj

15 Abdul Kadhar (Died)

16 Mohaideen Bathu

17 Nagur Meeral

18 Mohammed Farook Seth

19 Asina Beevi

20 Jeenath

21 Rasul Maideen

22 Mohammed Khan (Died)

... Respondents 3 to 22/ 1 to 12, 14, 16 to 18,
21, 22, 24 & 25 Respondents,



Prayer in CMP(MD). No.13448 of 2025:

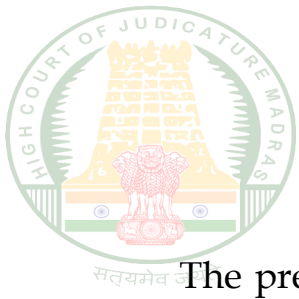
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Civil Miscellaneous Petition filed under Order 26 Rule 9 of Civil Procedure Code, praying to Appoint an Advocate Commissioner to inspect, measure the suit schedule property and the Respondents property on the basis of documents pleaded in OS No.276 of 1989 on the file of District Munsif Court, Ambasamudram and submit a report with detailed plan (with measurements) before this Honourable Court and thus render justice.

Prayer in SA No.336 of 2001:

Second Appeal filed under Section 100 of Civil Procedure Code, against the judgment and decree passed by the Sub Judge, Ambasamudram in A.S.No.282/92 and in I.A.No.83/95 by its common judgment dated 29.11.2000 confirming the judgment and decree passed by the Principal District Munsif, Ambasamudram in O.S.No.276/89 decreeing the suit by its order dated 27.07.1992.

ORDER:- This Civil Miscellaneous Petition coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S. Meenakshi Sundaram, Senior Counsel for Mr. R.T. Arivu Kumar, Advocate for the Petitioner and of M/s. Janakidevi, for Mr. V.M. Balamohan Thambi, Advocate for the 1st Respondent, this Court made the following order:



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The present Civil Miscellaneous Petition has been filed by the respondents in the second appeal seeking to appoint an Advocate Commissioner to inspect, measure the suit schedule property and the respondents' property on the basis of the documents pleaded in O.S.No. 276 of 1989 on the file of the District Munsif Court, Ambasamudram and submit a report with detailed plan (with measurements).

2. The learned Counsel appearing for the appellant in the appeal does not have any objection for appointment of an Advocate Commissioner.

3. Since there is a confusion regarding the survey numbers in which the plaint schedule property is located, this Court is of the considered opinion that, in the interest of justice an Advocate Commissioner has to be appointed. Accordingly, the application stands allowed.

4. Mr.P.Rajagopalan (Enrollment No.2640/2012), Advocate, Chamber No.182, High Court Law Chamber, Madurai Bench of Madras High Court is appointed as an Advocate Commissioner. The Commissioner shall file his report and plan on or before 15.09.2025. The Commissioner is instructed to get the help of the surveyor.



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5. The initial remuneration of Rs.25,000/- is fixed to the Advocate Commissioner. The petitioner shall pay Rs.25,000/- (Rupees Twenty Five Thousand only) to the Advocate Commissioner.

6. Post the matter on 15.09.2025.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2025

Sub Assistant Registrar
(CS-I / II / III / IV)

TO

1. The Sub Judge, Ambasamudram,
2. The Principal District Munsif, Ambasamudram,
3. Mr.P. RAJAGOPALAN,
[Enrollment No.2640/2012] Advocate, Chamber
No.182, High Court Law Chambers, Madurai
Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai



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ORDER DATED : 20/08/2025

ORDER

CMP(MD). No.13448 of 2025
in
SA No.336 of 2001
Giving direction and etc.
as stated within.

RA - (29.08.2025) 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.