

CRP(MD). No.2456 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10/09/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.2456 of 2025

and

CMP(MD)No.14746 of 2025

Alla Pitchai,

... Petitioner

Vs

1. S.I.Mohammed Abdul Kadhar,
S/o. M.K.Seyadu Ibrahim,
Door No.444, Neina Street,
Kayalpattnam,
Tiruchendur Taluk,
Thoothukudi District.

2. Seyyadu Ibrahim Jareed,
S/o. S.I.Mohammed Abdul Kadhar,
Door No.444, Neina Street,
Kayalpattnam,
Tiruchendur Taluk,
Thoothukudi District.

3. Thiraviam,
W/o. Paal Nadar,
Door No.17b, Uchimahaliyamman Kovil Street,
Kayalpattnam,
Tiruchendur Taluk,
Thoothukudi District.



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4. Pushpam,
W/o. Murugesan,
Uchimahaliyamman Kovil Street,
Kayalpattinam,
Tiruchednur Taluk,
Thoothukudi District.

5. Murugesan,
S/o. Sivalingam Nadar,
Uchimahaliyamman Kovil Street,
Kaualpattinam,
Tiruchendur Taluk,
Thoothukudi District.

6. Saraswathi,
W/o. Mookkan Nadar,
Door No. 166-A,
Uchimahaliyamman Kovil Street,
Kayalpattinam,
Tiruchendur Taluk,
Thoothukudi District.

7. Seetha,
W/o. Ramachandran Nadar,
Uchimahaliyamman Kovil Street,
Kayalpattinam,
Tiruchendur Taluk,
Thoothukudi District.

8. Chithiraikani,
W/o. Marimuthu Nadar,
Uchimahaliyamman Kovil Street,
Jayalpattinam,
Tiruchendur Taluk,
Thoothukudi District.



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9. Paalkani,
W/o. Yovan Nadar,
Uchimahaliyamman Kovil Street,
Kayalpattinam,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents

PRAYER :-

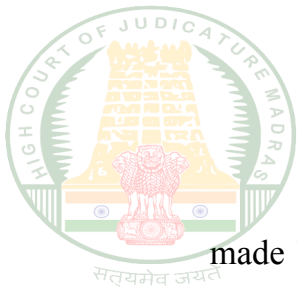
Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and decreetal order dated 20.06.2025 made in I.A. No. 11 of 2024 in O.S. No. 212 of 2018 on the file of the District Munsif Court, Tiruchendur, Thoothukudi district and allow the Civil Revision Petition.

For Petitioner : Balasivasubramanian K,
Advocate.

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 20.06.2025 made in I.A. No. 11 of 2024 in O.S. No. 212 of 2018 on the file of the District Munsif Court, Tiruchendur, Thoothukudi district and allow the Civil Revision Petition.

2. Learned counsel for the petitioner would submit that the petitioner has instituted a suit against the defendants for a declaratory relief over the title of the suit property and for a mandatory injunction to remove the encroachment

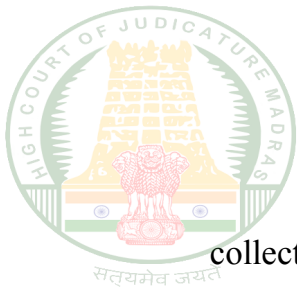


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made by the defendants, to declare and for other reliefs for the pathway. He would submit that the respondents had been continuously interfering with the peaceful possession and enjoyment of the property by claiming ownership over the suit schedule property and had further attempting to encroach upon it. Therefore it had become necessary for appointing an advocate commission to inspect the suit schedule property, to note down its measurements, features, encroachments and lay out of the petition schedule mentioned property with the assistance of the surveyor and submit a report. However, the Court below without considering the merits of the claim had rejected the application filed by the petitioner by holding that the suit had been posted for final arguments. He would submit that an advocate commissioner can be appointed at any stage of the proceedings to elicitate the matter in dispute. Hence, the reasons assigned by the trial Court is wholly erroneous and therefore liable to interfered with.

3. This Court has considered the submissions made by the learned counsel for the petitioner and perused the materials on record.

4. It is not disputed by the petitioner that trial had been completed and the matter has been at the stage of the arguments on both sides. When such is the case, the attempt made by the petitioner by filing this application is to only



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collect evidence which lacked during recording of evidence. The Court below has also categorically held that the petitioner had failed to explain as to why there was a delay in filing the said application and why the same has not been filed at an earlier point of time. Hence as rightly found by the Court below, I do not find any genuine attempt that has been made by the petitioner by filing this interlocutory application. For the aforesaid reasons, I do not find any merit in the Civil Revision Petition.

5. Accordingly, the same stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

10.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1. The District Munsif Court, Tiruchendur, Thoothukudi district.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

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K.KUMARESH BABU, J.

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ORDER
IN
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Date : 10/09/2025