



*C.R.P(MD)No.3102 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2025

CORAM

**THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**C.R.P(MD)No.3102 of 2025**

**and**

**C.M.P(MD)No.17370 of 2025**

1.Albert  
2.Cycylet

... Petitioners/Petitioners/  
Defendants 2 & 3

Vs.

1.Saroja  
2.Arthur Denny

...Respondents/Respondents/  
Plaintiff/1<sup>st</sup> Defendant

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside fair and decreetal order dated 16.07.2025 in I.A.No.5 of 2024 in O.S.No.143 of 2017 on the file of the II Additional District Munsif (FAC), Kuzhithurai and allow this Civil Revision Petition.

For Petitioner : Mr.N.S.Ramakrishna Dass

For R1 : Mr.S.C.Herold Singh



*C.R.P(MD)No.3102 of 2025*

WEB COPY

**ORDER**

This Civil Revision Petition is filed to set aside fair and decreetal order dated 16.07.2025 in I.A.No.5 of 2024 in O.S.No.143 of 2017 on the file of the II Additional District Munsif (FAC), Kuzhithurai

2. It is the claim of the petitioners that the easementary right of pathway could not be granted, as the same is imaginary, for which they seek for an appointment of an Advocate Commissioner to visit the property to find out the pathway.

3. The Advocate Commissioner cannot be appointed for collecting evidence on the side of the parties in the suit. The Court below has rightly held so and dismissed the application. It is for the petitioners to substantiate their claim that there is no pathway.

4. For the aforesaid reasons, I do not find any infirmity in the order impugned in this civil revision petition.



*C.R.P(MD)No.3102 of 2025*

5. Accordingly, this Civil Revision Petition stands dismissed.

There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

**29.10.2025**

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

To

1. The II Additional District Munsif (FAC),  
Kuzhithurai.
2. The Section Officer  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*C.R.P(MD)No.3102 of 2025*

**K.KUMARESH BABU,J.**

SN

C.R.P(MD)No.3102 of 2025

29.10.2025