



CRP(MD). No.2573 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22.09.2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

C.R.P(MD). No.2573 of 2025

and

C.M.P.(MD)No.15187 of 2025

The Managing Director,
Tamil Nadu State Palmgur and Fiber Marketing
Co-op. Federation Ltd.,
IND 164 (Palm Products and Fiber Exporters)
No.32, Gengu Road, Egmore,
Chennai – 600 008
(Rep thro. Its Authorised Signatory
Balasubramanian, Manager
Tamil Nadu State Palmgur Fiber Marketing
Co-operative Federation Export Madurai Wing,
Madurai – 2.)

... Petitioner

Vs.

Ramesh Karthick

... Respondent

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and executable order dated 08.07.2025, made in I.A.No.01 of 2024 in O.S.No.239 of 2023 on the file of II Additional District Munsif Court, Madurai Town.

For Petitioner : Mr.R. Suriya Narayanan



CRP(MD), No.2573 of 2025

ORDER

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The instant civil revision petition has been filed to set aside the fair and executable order dated 08.07.2025, made in I.A.No.01 of 2024 in O.S.No.239 of 2023 on the file of II Additional District Munsif Court, Madurai Town.

2. The learned counsel for the petitioner submits that the petitioner had filed the suit seeking a decree and judgment, directing the defendants to vacate the suit property and handover the same after removing the superstructure therein.

3. During the pendency of the suit, the defendants / respondents had made an encroachment on the western side of the portion by putting up three more shops. Therefore, it had become necessary for appointment of an Advocate Commissioner to note down the encroachments and the structure put up by the respondents. Hence, they had taken out an application for appointment of an Advocate Commissioner. Without considering merits of the application, the Court below had dismissed the



CRP(MD), No.2573 of 2025

petition, by holding that the Advocate Commissioner cannot be permitted to collect evidence for the petitioner. Hence, he seeks interference of this Court with the order impugned in this civil revision petition.

4. I have considered the submission made by the learned counsel for the petitioner.

5. Admittedly, the suit had been filed for vacating the respondent from the property by removing the superstructure put up therein. It is the claim of the petitioner that the respondent had now put up further constructions for which, the petitioner's request, an Advocate Commissioner to be appointed. The suit had been filed in respect of 58 cents of the suit schedule property only in which the respondent seems to have put up further construction. If the petitioner establishes his right to evict the respondent, then the petitioner can also be entitled to remove the superstructure put up during the pendency of the suit, for which there is no necessity for an appointment of an Advocate Commissioner.



CRP(MD), No.2573 of 2025

6. In such view of the matter, I do not find any infirmity in the order impugned in this revision. Accordingly, this Civil Revision Petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

22.09.2025

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

TO

1. The II Additional District Munsif,
Madurai Town.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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CRP(MD), No.2573 of 2025

K.KUMARESH BABU,J.

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C.R.P(MD) No.2573 of 2025

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