

CRP(MD). No.2363 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2363 of 2022
and CMP(MD) No.11445 of 2022**

S.Chellammal(Died),

1. S.Gomathi Shankar

2. S.Vijalakshmi

... Petitioners

Vs

1. Lakshmanan

Mookaandi (Died)..

2. Ramalakshmi

3. Raman

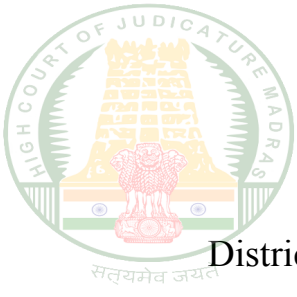
4. M.Muthukutti

5. K.Durgaselvi

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India to call for the entire records in connection with I.A.No.6 of 2022 in O.S.No.462 of 2015 on the file of 1st Additional

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District Munsif Judge, Tirunelveli and set aside the same by allowing civil revision petition.

For Petitioner : Mr.Niranjana S.Kumar
For Respondents : Mr.M.Karthikeya Venkatachalapathy
for R1 to R4

ORDER

This Civil Revision Petition is filed challenging the order dated 17.08.2022 in I.A.No.6 of 2022 in O.S.No.462 of 2015 on the file of 1st Additional District Munsif Judge, Tirunelveli

2. The petitioners are the plaintiffs and they filed a suit for declaration and for permanent injunction. In the said suit, the petitioners/plaintiffs filed an application for appointment of Advocate Commissioner to inspect the nature of the suit schedule property and the pillar box that was erected by the defendants in the middle of the pathway and to file a report and the said petition was dismissed. Challenging the same, the petitioner/plaintiff is before this Court with this civil revision petition.



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3. The learned counsel for the petitioner would submit that the petitioners are the plaintiffs and they have to prove that the defendants have erected a pillar box in the middle of the lane and hence, they filed the interlocutory application for appointment of Advocate Commissioner. The learned counsel would further submit that the petitioners have also annexed a plan in respect of suit lane and the respondents denied the lane plan annexed with the plaint and therefore, it is necessary to appoint Advocate Commissioner. However, the same was dismissed. When the duty is cast upon the plaintiffs to establish the fact that the pillar box was erected by the defendants in the middle of the pathway, appointment of Advocate Commissioner is just and proper to prove the same. On the said ground, the learned counsel prays for setting aside the order impugned.

4. Heard the learned counsel for the respondents.

5. I have considered the rival submissions and perused the materials available on record.



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6. Upon considering the submissions made, this Court is of the considered opinion that the report of the Advocate Commissioner is a piece of evidence to decide the issue. It is for the plaintiffs to prove the case before the trial Court by adducing necessary evidence. Accordingly, the civil revision petition is dismissed. Since the suit is of the year 2015, the learned counsel prays for speedy disposal of the suit. Considering the fact that the suit is of the year 2015, the trial Court shall take endeavour to conclude the suit within a period of six months from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

12.08.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The 1st Additional District Munsif Judge, Tirunelveli
2.VR Section
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.2363 of 2022**

Date : 12/08/2025