



C.R.P(MD)No.2490 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.09.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2490 of 2025
and
C.M.P(MD)No.14915 of 2025

Ramalakshmi

... Petitioner/Petitioner/
Plaintiff

Vs.

1.Backiyalakshmi
2.Balakrishnan

...Respondents/Respondents
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 14.02.2025 made in I.A.No.04 of 2024 in O.S.No.35 of 2022 on the file of the District Munsif Court, Kulithalai and allow this Civil Revision Petition.

For Petitioner : Mr.G.Sridharan

ORDER

The challenge in this civil revision petition is to the order rejecting the interlocutory application, wherein, a prayer has been made to re-appoint the Advocate Commissioner.



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2. The learned counsel for the petitioner vehemently contends that the perusal of the report of the Advocate Commissioner indicates that the same has been made without the assistance of a Surveyor and therefore, the warrant should be re-issued to the Advocate Commissioner to re-visit the property and submit a fresh report. He further submits that the Trial Court without considering the above aspect, but holding that the application has been made for the appointment of a new Commissioner had rejected the application. Therefore, he seeks interference with the impugned order.

3. I have considered the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.

4. The petitioner had instituted a suit seeking permanent injunction in respect of the suit schedule property including a pathway. The details of the pathway had not been specifically mentioned in the suit schedule. However, the Advocate Commissioner executed the warrant and filed a sketch along with his report. He had also specifically demarcated the pathway which covered under prayer B in the suit.



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WEB COPY 5. In view of the same, I do not find any error in the order impugned herein even on a different reason.

6. In fine, civil revision petition stands dismissed. However, liberty is granted to the petitioner to seek cross examine the Advocate Commissioner on the report based on the strength of the objections filed by him. No costs. Consequently, the connected miscellaneous petition is closed.

11.09.2025

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

1.The District Munsif Court,
Kulithalai.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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K.KUMARESH BABU,J.

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