



CRP(MD). No.2585 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/08/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2585 of 2022
and CMP(MD) No.12692 of 2022**

1. Kumesh,,

2. Kamalakshmi

... Petitioners

Vs

1. Manikandan

2. Rajan

3. Sundara Mohan

4. Rajalekshmi

... Respondents

PRAYER :-Civil Revision petition filed Under Article 227 of the Constitution of India,to call for the records relating to fair and decreetal order passed in I.A.No.3 of 2019 in O.S.No.140 of 2019 passed by Additional District Munsif Court, Padmanabhapuram dated 13-10-2022 and set aside the same and may appoint to commissioner to find out the physical features of the suit schedule property.



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For Petitioners : Mr.K.P.Narayanakumar

For Respondents : Mr.S.Pillai Monicantan for R1 to R4

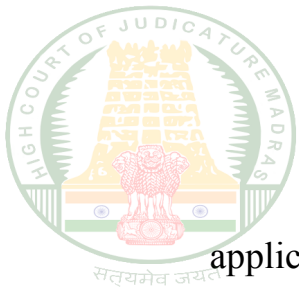
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ORDER

The Civil Revision Petition is filed against the fair and decreetal order passed in I.A.No.3 of 2019 in O.S.No.140 of 2019 passed by Additional District Munsif Court, Padmanabhapuram dated 13-10-2022 and to appoint a commissioner to find out the physical features of the suit schedule property.

2. The petitioners are the plaintiffs in OS No.140/2019 and the suit was filed for demarcation, putting up permanent boundary and other reliefs. When the trial is in progress, the petitioners filed an application for appointment of Advocate Commissioner for measuring the property. The said petition came to be dismissed, challenging which, the petitioners are before this Court.

3. The learned counsel for the petitioners would submit that since the report of the Advocate Commissioner is only a piece of evidence, which will not affect the interest of the respondents/defendants and hence no prejudice would be caused to the respondents by allowing the said



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application. The trial Court, however, dismissed the said application on the ground that the relief is one for demarcation of property, for which, the appointment of Advocate Commissioner is not warranted. The said dismissal is not sustainable and hence, prays for appropriate direction.

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

5. A perusal of the entire records would reveal that the petitioners/plaintiffs filed an application for demarcation of the suit property and for such demarcation, they sought for appointment of an Advocate Commissioner. However, the prayer in the suit is for demarcation and other reliefs and though it is stated that the report of the Advocate Commissioner is only a piece of evidence and no prejudice would be caused to the respondents by such an appointment, the same is to be determined only at the time of trial. Hence, the trial Court has rightly dismissed the application for appointment of Advocate Commissioner and therefore, the finding rendered by the trial Court need not be interfered with. Accordingly, the Civil Revision Petition is



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dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

25.08.2025

NCC : Yes/No
Index : Yes/No
RR

To

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



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.2585 of 2022**

Date : 25/08/2025