



CRP(MD). No.2640 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.09.2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**C.R.P(MD). No.2640 of 2025
and
C.M.P.(MD)No.15528 of 2025**

1. Jeyakumar
2. Subbaiah
3. Rajeshwari

... Petitioners

Vs.

1. Ramesh
2. Vijayalakshmi

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal order made in I.A.No.5 of 2025 in O.S.No.193 of 2014 dated 03.09.2025 on the file of the Additional District Munsif Court, Sankarankovil.

For Petitioners : Mr.M.Thirunavukkarasu

ORDER

The instant civil revision petition has been filed challenging the order made in I.A.No.5 of 2025 in O.S.No.193 of 2014 dated 03.09.2025 on the file of the Additional District Munsif, Sankarankovil.



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2. The learned counsel for the petitioners submits that the respondents herein had instituted a suit for various reliefs in respect of access from one of the properties to another. He further submits that earlier an Advocate Commissioner had been appointed and had filed a report and at that point of time, the report had not mentioned any access. After the report was filed, the respondent had made an opening from a portion of the item – I of the suit schedule to the Item – IV of the suit schedule. This factum would have impact on the decision of the suit. Therefore, he had filed an application seeking issuance of a warrant to a new Advocate Commissioner, to note down the features, but the same has been dismissed without considering the claim made by the petitioners. Therefore, he seeks indulgence of this Court to set aside the order passed by the Court below.

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

4. As an Advocate Commissioner had already been appointed and had filed a report before this Court, the Court below had held that there is



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no necessity to appoint an Advocate Commissioner for the purposes for which, the application has been filed as the suit itself is only in respect of Item Nos.3, 6 and 10 and there is no relief with regard to Item Nos.1 and 4 of the suit schedule property.

5. A perusal of the relief sought in the plaint would disclose that it is with regard to the pathway described in item Nos. 3, 6 and 10 of the suit schedule property and is not related to either Item No.1 or item No.4 of the suit schedule property. It is for the petitioners to establish that the Item Nos.3, 6 and 10 are not pathways to sustain his case. Therefore, this Court does not find any infirmity in the order impugned in this revision, which requiring interference by this Court.

6. Accordingly, the Civil Revision Petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

24.09.2025

NCC : Yes / No
Internet : Yes / No
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K.KUMARESH BABU,J.

LS

TO

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

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