



CRP(MD). No.2912 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.2912 of 2025

and

CMP(MD)No.16668 of 2025

V.Mahalakshmi

... Petitioner

Vs.

1.S.Ashok Kumar
S.Velusamy (Died)
S.Gandhi @ Rasagopal Naicker (Died)

2.Sarojini
3.Jeyaseelan
4.Pandiyarajan
5.Soundarapandian
6.Durai Pandian
7.Anantha Pandian
8.Selvaraj
9.Saravanan

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India, against the fair and decreetal order dated 22.08.2025 made in I.A.No.04 of 2025 in O.S.No.437 of 2017 on the file of Sub-Court, Srivilliputhur.

For Petitioner : Mr.S.Sades Kumar



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ORDER

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This Civil Revision Petition had been filed against the fair and decreetal order dated 22.08.2025 made in I.A.No.04 of 2025 in O.S.No. 437 of 2017 on the file of Sub-Court, Srivilliputhur.

2. Mr.S.Sades Kumar, learned counsel for the petitioner would submit that the first respondent had filed a suit for declaration and for a permanent injunction against the petitioner and the other respondents. In the said suit the petitioner has arrayed as a second defendant and she had taken out an application for appointment of an Advocate Commissioner to note down the physical features of the property. The Court below without considering the lawful claim of the petitioner had dismissed the same by holding that an Advocate Commissioner cannot be appointed for collecting evidence on the side of the petitioner and could only be proved by evidence let in by the petitioner. He would submit that such a finding goes contrary to the Provisions of Order XXVI Rule 9 for appointment of an Advocate Commissioner and therefore, he seeks indulgence of this Court.



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

4. Admittedly, a suit had been filed by the first respondent seeking for relief of declaration of title and for a consequent injunction restraining the petitioner and other respondents for in any manner interfering with his peaceful possession and enjoyment of the suit property.

5. In the written statement filed by the petitioner, she had disputed the claim made by the first respondent and such written statement had been filed as early as in the year 2018 and the petitioner had also filed an additional written statement during August 2025. Thereafter, she had taken out an application for appointment of an Advocate Commissioner, and she had disputed the possession of the first respondent. The Court below had rejected the petitioner's application by holding that in a suit for declaration and permanent injunction, the same could be decided based upon the documentary evidence and there is no necessity to appoint an Advocate Commissioner and it is for the petitioner to



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substantiate the possession of the property by leading in appropriate evidence and that the Advocate Commissioner cannot be appointed to collect evidence. This Court is also of the considered view that such reasoning assigned by the Trial Court does not require any indulgence and the reasoning assigned by the Court below is well within the four corners of law.

6. In view of the same, the Review Petition fails and accordingly, the same is dismissed. However, there shall be no order as to costs. Consequently connected Miscellaneous Petition is also closed.

16.10.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/ No
GBA



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- 1.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
- 2.The Sub-Court, Srivilliputhur.



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K.KUMARESH BABU,J.

Gba

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