



C.R.P(MD)No.3028 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.3028 of 2025
and
C.M.P(MD)No.17138 of 2025

Chandrasekaran

... Petitioner/Respondent/
Plaintiff

Vs.

Kalleshwaran

...Respondent/Petitioner/
Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 25.07.2025 passed in I.A.No.3 of 2024 in O.S.No.76 of 2024 on the file of the District Munsif Court, Ramanathapuram by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Vashik Ali

For Respondent : Mr.J.Barathan

ORDER

The present civil revision petition has been filed to set aside the fair and decreetal order dated 25.07.2025 passed in I.A.No.3 of 2024 in



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O.S.No.76 of 2024 on the file of the District Munsif Court,
Ramanathapuram.

2. The learned counsel for the petitioner submits that the application for appointment of Advocate Commissioner was in the nature of collecting evidence, the same ought not to have been ordered. Taking this court through the affidavit filed in support of the said application, he submits that the respondent is in possession of the property by putting up a compound wall. Therefore, he further submits that the Court below without any reasons allowed the said application for finding out the correct four boundaries and the physical features of the suit properties alone.

3.The learned counsel for the petitioner relied upon the judgment of this Court in the case of ***Chinnathambi and other Vs Anjali*** reported in ***2006 5 CTC 494*** to contend that an Advocate Commissioner cannot be appointed for collection of evidence.

4. Countering his argument, the learned counsel for the respondent submits that there is a discrepancy in the suit property and the Plaint



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Document No.1 upon which the petitioner claims relief in the suit.

Therefore, only for that purpose, local inspection is required to identify the suit property to be different from the Plaint Document No.1. In support of his contention, he relied on the decision of this Court in the case of *Saraswathy Vs Viswanathan* reported in **2002 (2) CTC 199**.

5. I have considered the submissions made by the learned counsels on either sides and perused the materials available on record.

6. As rightly pointed out by the learned counsel for the petitioner that the impugned order is cryptic. The reasons stated in the affidavit filed in support of the application would indicate that the application had been filed to find out the discrepancy between the suit schedule property and Plaint document No.1, upon which the petitioner claims relief in the suit.

7. A perusal of the judgment relied upon by the learned counsel for the respondent would indicate that the Advocate Commissioner have been appointed not only in the said case but also in the case relied upon by the learned Judge to pass orders were to find out the construction that



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have been put up in the suit schedule property alone. Therefore, the judgments cannot be made applicable to the facts of the present case. It is for the respondent/defendant to substantiate by evidence that the Plaint Document No.1 upon which the petitioner claims title does not relate to the suit schedule property, to deny the relief of the petitioner.

8. Therefore, this Court is of the view that there is no necessity for appointment of Advocate Commissioner to decide the issue. Hence, the impugned order is set aside and the report filed the Advocate Commissioner pursuant to the same stands scrapped.

9. In fine, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

25.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
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- 1.The District Munsif Court,
Ramanathapuram
- 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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