



CRP(MD). No.3120 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 16.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3120 of 2025
and
C.M.P.(MD) No.17423 of 2025**

S.Muthukrishnan

... Petitioner

Vs

1. Abdulsalam

2. Fathimarani

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 30.07.2025 made in I.A.No.2 of 2023 in O.S.No.56 of 2019, on the file of the District Munsif cum Judicial Magistrate Court, Thiruppuvanam.

For Petitioner : Mr. B.Vijaykarthikeyan

For Respondents : Mr.G.Balakrishnan

ORDER

This Civil Revision Petition is filed to set aside the order dated 30.07.2025 made in I.A.No.2 of 2023 in O.S.No.56 of 2019, on the file of the District Munsif cum Judicial Magistrate Court, Thiruppuvanam

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and to scrap the Advocate Commissioner's report made in I.A.No.2 of 2023.

2. The learned counsel for the petitioner submits that originally, the case was filed before District Munsif Court, Manamadurai in O.S.No. 34 of 2016 and thereafter, it was transferred to Judicial Magistrate-cum-District Munsif Court, Thirupuvanam and renumbered as O.S.No.56 of 2019.

3. The learned counsel for the petitioner submits that earlier an Advocate Commissioner was appointed and a report was furnished. Again, an Advocate Commissioner was appointed to conduct a fresh visit and measure the property with the help of Surveyor and Village Administrative Officer based on the sale deed of both the parties and to file a report and plan with a direction if any objections were raised by the respondents, the same has to be considered. Against the same, C.R.P. (MD) No.417 of 2021 was filed and the same was dismissed on 14.02.2022. Hence, the Advocate Commissioner has conducted a visit and filed a report along with sketch. Now, the revision petitioner had



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filed an application to scrap the Advocate Commissioner's report stating that the sketch which was enclosed by the Advocate Commissioner is not similar to the report and sketch filed in the previous Advocate Commissioner's report.

4. The present application is filed to scrap the Advocate Commissioner's report. What has been taken into consideration is that when the first Advocate Commissioner's report was challenged by the respondents herein, the same was dismissed with a direction to the Trial Court to direct the Advocate Commissioner to revisit the premises and file a fresh report along with sketch and plan along with sale deeds, which were produced by both the parties. Based on the same, the Advocate Commissioner has filed his report. Aggrieved by the said report, the present application is filed to scrap the Advocate Commissioner's report. The Trial Court negatived the same. Challenging the same, the present petition is filed.

5. When there is no direction from this Court to appoint new Advocate Commissioner, there is no question whether the same



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Advocate Commissioner should visit the premises or new Advocate should be appointed to examine the same. Further, if the petitioner is aggrieved by the same, there is no bar for the Advocate Commissioner to be examined before the Trial Court and put appropriate questions with regard to the report and clarifications to be obtained.

6. With these observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No
Index : Yes / No
Internet :Yes / No
apd

16.12.2025

To
The District Munsif cum Judicial Magistrate,
Thiruppuvanam.



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N.SENTHILKUMAR, J

apd

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