



C.R.P(MD)No.3410 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2025

WEB COPY

CORAM
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.3410 of 2025

B.Nagajothi

... Petitioner

Vs.

1. Maruthamuthu,
2. Kalivarathan,
3. Ramanathan,
4. Durai,
5. Mariyammal,
6. Govindamal,
7. Amsu,
8. Lakshmi,
9. Anjamal
10. Saranya,

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 03-09-2025 passed in I.A.No.284 of 2025 in O.S.No.291 of 2015 on the file of the Principal District Munsif Court, Thanjavur and allow the present civil revision petition and thus render justice.

For Petitioner : M/s.S.Suresh Manickam

For Respondent : M/s.G.Karnan - For R2

ORDER

This Civil Revision Petition is filed seeking to set aside the fair and decretal order dated 03-09-2025 passed in I.A.No.284 of 2025 in O.S.No.291 of 2015 on the file of the Principal District Munsif Court, Thanjavur.



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2. The learned Counsel for the petitioner would submit that the petitioner who is the plaintiff in the suit had taken out an application for appointment of a surveyor to inspect and measure the suit property and also note the physical features. The same was dismissed by the court below on the ground that in a suit for bare injunction, the plaintiff should only rely upon the oral and documentary evidence and cannot take assistance of an Advocate Commissioner to collect evidence on his behalf especially when there is no dispute regarding the identification of the property. He would submit that the learned Judge has failed to consider the merits of the petitioner's case and no prejudice would be caused to anyone if a qualified surveyor is appointed as it would only assist the court in passing a decree.

3. Countering his argument, the learned Counsel appearing for the 2nd respondent would submit that in the said suit trial has been closed and the matter now stands for arguments. He would further submit that the suit was filed as early as in the year 2015 and after a period of 10 years the petitioner had taken out the present application only to protract the proceedings in the suit. Hence, he seeks dismissal of the revision petition.



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4. I have considered the submissions made on either side and perused the materials available on record.

5. As rightly pointed out by the court below, the assistance of the commissioner cannot be sought to substantiate the case of the party in a suit. It is for the party to stand on their own oral and documentary evidence, particularly, in a suit for injunction based upon title to the suit property. A perusal of the impugned order herein would indicate that the evidence was closed after the witnesses of the respective parties were examined and that the matter was posted for final arguments, as rightly pointed by the learned Counsel for the respondent.

6. In such view of the matter, this Court is of the view that the present application is nothing but an application to protract the suit proceedings initiated by the petitioner and this Court does not find any infirmity in the order passed by the trial Court. Accordingly, this Civil Revision Petition is dismissed. No costs.

17.11.2025

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

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To

1.The Judge,
The Principal District Munsif Court,
Thanjavur.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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