



C.R.P.No.507 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.No.507 of 2026
and
C.M.P.No.2742 of 2026

1.K.Thangarasu
2.T.Rani

... Petitioners

Vs.

R.Nagaraj

... Respondent

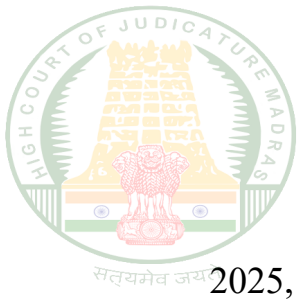
Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 27.10.2025 made in I.A.No.3 of 2025 in O.S.No.8 of 2025 on the file of the District Munsif cum Judicial Magistrate Court, Yercaud by allowing this Civil Revision Petition.

For Petitioners : Mr.R.Prabakar

For Respondent : Mr.J.Ramakrishnan

ORDER

This Civil Revision Petition has been filed challenging the impugned order, dated 27.10.2025 passed by the District Munsif-cum-Judicial Magistrate Court, Yercaud in I.A.No.3 of 2025 in O.S.No.8 of



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2025, appointing an Advocate Commissioner, to note down the physical features of the suit schedule property and for taking measurements.

2. I.A.No.3 of 2025 in O.S.No.8 of 2025 was filed by the respondent/plaintiff. The petitioners are the defendants in the said suit, which was filed for declaration and injunction. The declaration sought by the respondent was to declare that the suit schedule pathway belongs to the respondent. The contention of the respondent has been disputed by the petitioners through their written statement. The respondent has filed I.A.No.3 of 2025 along with the said suit seeking appointment of an Advocate Commissioner.

3. Under the impugned order, dated 27.10.2025, the application filed by the respondent has been allowed by the trial court by appointing an Advocate Commissioner to note down the physical features of the suit schedule property and to measure the same. However, the petitioners have filed this revision challenging the impugned order on the ground that an Advocate Commissioner cannot be appointed to collect evidence to enure to the benefit of the petitioners.



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4. The Advocate Commissioner has been appointed only to note down the physical features of the suit schedule property and to measure the same. The suit has been filed by the respondent claiming right to use the pathway mentioned in the suit schedule property. Hence, no prejudice would be caused to the petitioners in this revision, if the physical features of the suit schedule property are noted down by the Advocate Commissioner and the property is also measured, and thereafter, the Advocate Commissioner files a report before the trial court. It will not amount to collecting evidence as contended by the petitioners in this revision. The respondent also relies upon a deed said to have been executed by the petitioners for the purpose of claiming right over the suit schedule pathway. The same has been disputed by the petitioners as seen from the pleadings of the petitioners before the court below. The matter can very well be adjudicated by the trial court after trial. The Advocate Commissioner, who will be submitting a report can also be examined as a witness, if the petitioners so desire during trial.



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ABDUL QUDDHOSE, J.

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5. For the foregoing reasons, this Court finds that there is no merit in this revision. Accordingly, this Civil Revision Petition is dismissed. However, the petitioners are permitted to seek further directions from the trial court with regard to the execution of the Advocate Commissioner's warrant by the Advocate Commissioner as directed by the trial court under the impugned order. No costs. Consequently, the connected miscellaneous petition is closed.

11.06.2026

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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To

The District Munsif-cum-Judicial Magistrate Court, Yercaud.

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