



WEB COPY

CRP No. 1082 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1082 of 2026 & CMP.No.5697 of 2026

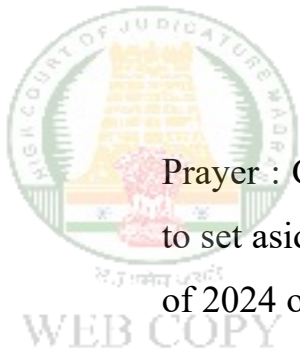
1. Thangarasu
S/o Raju
Res at Sannasi Hills North Side,
Malliyakarai Village and Post,
Attur Taluk
Salem District
2. Selvi
W/o Thangarasu
Res at Sannasi Hills North Side,
Malliyakarai Village and Post,
Attur Taluk
Salem District

..Petitioner(s)

Vs

1. M.Manickam
S/o Maruthamuthu Padaiyachi
Malliyakarai Village and Post,
Attur Taluk
Salem District
2. Ramar
S/o Raju
Res at Sannasi Hills North Side,
Malliyakarai Village and Post,
Attur Taluk
Salem District

..Respondent(s)



Prayer : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 12.08.2025 made in IA.No.01 of 2024 in OS.No.233 of 2024 on the file of Subordinate Judge, Attur, Salem District.

For Petitioner(s): Mr.A.Rajakumar

ORDER

Challenging the impugned Order passed by the trial Court in the application filed by the plaintiff by appointing Advocate Commissioner to inspect the suit property and to note down the physical features in the suit property with the help of a surveyor and to file a separate and individual plan along with the report, the present Civil Revision Petition has been preferred.

2. The revision petitioners are second and third defendants in the suit and they are husband and wife. The first defendant is the brother of the second defendant and are close relatives of the plaintiffs. The plaintiff has filed the suit in O.S.No.233 of 2024 for declaration of his title and for vacant possession of the suit property. It is the case of the plaintiff that after his purchase, he came to know that a portion of the property has been encroached by the defendants. So in order to demarcate the property, he filed an application for appointment of an advocate commissioner. The said application has been objected by the second and third defendants. Considering the submissions on either side, the trial Court had allowed the application and appointed an Advocate Commissioner to



inspect the suit property. Challenging the same, the second and third defendants have filed the present Civil Revision Petition.

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3. It is the contention of the learned counsel appearing for the petitioners that the plaintiff has filed the application for appointment of the Advocate Commissioner only to collect evidence in the suit filed by him for the relief of declaration and separate possession and appointment of the Advocate Commissioner would not serve any purpose and hence, the Order of the trial Court is illegal and the same is liable to be set aside.

4. A perusal of the records reveal that the plaintiff and the second and third defendants have purchased their property from a common owner on the same day. Now it appears that there is dispute between the parties with regard to boundaries and extent. Even as per the averments of the plaintiff, he had also purchased the correct extent which require detailed report, particularly measurement of the property with the help of a surveyor. Further more, the respondents have picked the survey stones and encroached their land in survey No.305/2 and annexed with their lands. Since, both the parties have purchased the land from a common owner, boundary and extent are necessary to decide the issue, more particularly, the relief of declaration claimed by the plaintiff. Therefore, appointment of the Advocate Commissioner would not cause any prejudice to the revision petitioners. Hence, I do not find any illegality in the



Order passed by the trial Court and to avoid further complications, the appointment of the Advocate Commissioner to measure the lands of both the parties based on their sale deeds as well as revenue records is just and necessary for deciding the lis between the parties.

4. With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05-03-2026

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

vrc

To

The Subordinate Judge,
Attur.



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T.V.THAMILSELVI, J.

VRC

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