



WEB COPY

CRP No. 2318 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 2318 of 2026 AND CMP Nos.10007 & 10009 OF 2026

Dhinesh Kumar

..Petitioner(s)

Vs

1. Prabakaran
2. Palanisamy
3. Chinnadurai
4. Jayaprakash
5. Tamil Selvan

..Respondent(s)

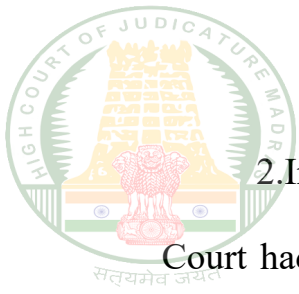
To set aside the fair and decreetal order dated 25.11.2025 made in IA.No.02 of 2023 in OS.No.207 of 2023 on the file of the Honble District Munsif Court, Mettur, Salem District and consequently dismiss the said IA.

For Petitioner(s):

Mr.J.Ramakrishnan

Order

This Civil Revision Petition has been filed, challenging the impugned order dated 25.11.2025 passed by the Trial Court in I.A. No.02 of 2023 in O.S. No.207 of 2023.



2. In the aforesaid application filed by the plaintiffs in the suit, the Trial Court had appointed an Advocate Commissioner and directed him to measure the suit schedule property. The petitioner who is the first defendant in the suit is aggrieved by the directions issued by the Trial Court. The suit was filed by the plaintiffs for declaration of title. The petitioner/first defendant has disputed the contentions of the plaintiffs in the suit and he has also filed a written statement. The Trial Court has only directed the Advocate Commissioner to measure the suit schedule property.

3. The grievance of the petitioner in this Civil Revision Petition is that the directions issued by the Trial Court will not amount to collecting evidence to support the case of the plaintiffs through the appointment of an Advocate Commissioner, which is impermissible in law.

4. The suit has been filed for declaration of title. The title of the plaintiffs can be proved only through an oral and documentary evidence. The Advocate Commissioner has been appointed only to measure the suit schedule property. It will not have any impact on the petitioner/first defendant as measuring the property will not enable the plaintiffs to prove the title of the suit schedule property only through an oral and documentary evidence. The plaintiffs will have to establish their title over the suit schedule property. The directions issued by the Trial Court to the Advocate Commissioner to measure the suit schedule



property and submit a report to the Court will establish the title of the plaintiffs over the suit schedule property. It will not cause any prejudice to the petitioner/first defendant as claimed in this Civil Revision Petition. The order passed by the Trial Court which is challenged in this Civil Revision Petition is an innocuous order. Therefore, the apprehension raised by the petitioner through this Civil Revision Petition is uncalled for.

5. For the foregoing reasons, this Court is not interfering with the impugned order as there is no merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected CMPs are closed. No costs.

04-06-2026

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

VGA

To

1. The District Munsif Court,
Mettur, Salem District.

2. The Section Officer, VR Section,
High Court Madras.



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ABDUL QUDDHOSE J.

VGA

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