



C.R.P.No.968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.01.2026

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.968 of 2024
and CMP.No.4923 of 2024

M/s.Sri Sakthi General Engineering Works,
Rep.by its Proprietrix Tmt.Bouvanesvary,
W/o.K.Balachandar,
Having workshop at
No.9A, 2nd Main Road, (1st Cross End),
Kalaivanar Nagar,
Vanur Block,
Thiruchitrapalam,
Vanur Taluk,
Villupuram District, Tamil Nadu – 605 11.

... Petitioner

vs.

1.Rajendiran
2.Sesha Chalapathy

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 24.01.2024 passed by the District Munsif, Vanur in I.A.No.1227 of 2023 in O.S.No.31 of 2015 and allow this Civil Revision Petition.

For Petitioner : Mr.R.Thiagarajan

For Respondents :Ms.B.Ullasavelan for R2
No Appearance for R1



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ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court allowing the application filed by the second respondent seeking appointment of Advocate Commissioner to measure the property with reference to the title deeds of respective parties.

2. The petitioner herein filed a suit for bare injunction against the respondents. As per the plaint averment, the petitioner claimed right over the suit property under sale deed dated 26.06.2006.

3. The second respondent/second defendant filed a written statement and resisted the suit by claiming right over 1815 sq.ft of land in the suit S.No.206/2bis under sale deed dated 10.03.1997. Since both the parties to the litigation are claiming right over the subject matter of the suit under two different title deeds, there is a dispute with regard to the identity of the properties purchased by respective parties, the same cannot be resolved except by local inspection by the Advocate Commissioner.



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4. The learned counsel appearing for the petitioner vehemently contended that in a suit for bare injunction, appointment of Advocate Commissioner is not necessary and possession of the parties have to be determined based on the evidence available on record. Though in a suit for bare injunction, the appointment of Advocate Commissioner is not necessary and the possession cannot be determined by him, in the case on hand, as mentioned above, there is dispute with regard to the identity of the properties purchased by the plaintiff as well as the second defendant. Therefore, in order to resolve the dispute, the property has to be measured with a help of Surveyor with reference to the title deeds of the properties. Therefore, I do not find any error in the impugned order passed by the trial Court, accordingly, the Civil Revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.01.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The District Munsif,
Vanur.

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S.SOUNTHAR, J.

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