



WEB COPY

CRP No. 2272 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

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

CRP No. 2272 of 2026

AND

CMP NO. 9838 OF 2026

Selvanayaki
W/o.Late Subbayan,
Rest.at Vadakadu Thottam,
R.Ponnapuram Village and Post,
Pollachi Tk.

..Petitioner(s)

Vs

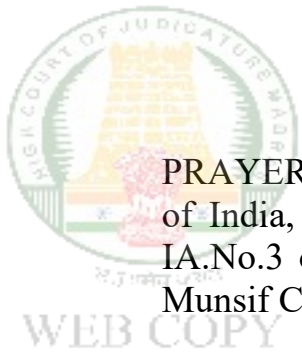
1. Kaliappan @ Babu
S/o.Ramasamy Gounder,
Rest.at No.9/40 Elango Street,
Mothirapuram, Suleswaranpatti Post,
Pollachi Tk.
2. Arulananth
S/o.Kaliappan alias Babu.
Rest.at No.9/40 Elango Street,
Mothirapuram, Suleswaranpatti Post,
Pollachi Tk.
3. Sekar
S/o.Shanmuga Nataraj,
Rest.at No.10 Saravana Gounder Street,
Kunjipalayam, Zamin Uthukuli Post,
Pollachi Tk.
4. Mahalingam
S/o.Ramasamy Gounder,
No.12 Thottathisali,
Backside of Community Hall,
Mothirapuram, Suleswaranpatti Post,
Pollachi Tk.
5. Mylsamy



S/o.Krishnasamy Gounder,
No.12 Thottathisali,
Backside of Community Hall,
Mothirapuram, Suleswaranpatti Post,
Pollachi Tk.

6. Kalimuthu
S/o.Shanmugavel,
No.4 Kaliasman Koil Street,
Mothirapuram, Suleswaranpatti Post,
Pollachi Tk.
7. Palaniammal
W/o.Shanmugavel,
No.4 Kaliasman Koil Street,
Mothirapuram, Suleswaranpatti Post,
Pollachi Tk.
8. Muthumanickam
S/o.Kandasamy Gounder,
No.11 Thottathisali,
Backside of Community Hall,
Mothirapuram, Suleswaranpatti Post,
Pollachi Tk.
9. Ravichandran
S/o.kandasamy Gounder,
No.11 Thottathisalai,
Backside of Community Hall,
Mothirapuram, Suleswaranpatti Post,
Pollachi Tk.
- 10.Subramanian
S/o.Nachimuthu Gounder,
No.14 Thottathisali,
Backside of Community Hall,
Mothirampuram,
Suleswaranpatti Post,
Pollachi Tk.

..Respondent(s)



PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 30-10-2025 made in IA.No.3 of 2023 in OS.No.298 of 2023 on the file of the Additional District Munsif Court, Pollachi, Coimbatore District.

For Petitioner(s): Mr.R.Prabakar

ORDER

Challenging the impugned order dated 30-10-2025 made in IA.No.3 of 2023 in OS.No.298 of 2023 on the file of the Additional District Munsif Court, Pollachi, Coimbatore District, the plaintiff has preferred this revision petition.

2. Aggrieved over the order passed by the trial court, the plaintiff has filed an application under Order 26 Rule 9 CPC for appointing a Survey Commission to measure the property and for fixing its four side boundaries, which was dismissed by the trial judge on hearing both sides and held that the plaintiff has not specifically pleaded about the encroachment without which the petition cannot be entertained. Aggrieved over the same, the plaintiff has preferred this revision petition.

3. The learned counsel for the revision petitioner submits that before the trial court he filed the suit for permanent injunction and cause of action for the said suit, in the plaint, he stated that since the measurement were not been clearly demarcated by the defendants and they attempted to grace the gatherings in the suit property which belongs to them. Therefore, he filed application to



measure the property, but the court below failed to give such opportunity to the petitioner.

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4. On perusal of the plaint in para 9, the plaintiff has stated that the defendants caused interference by taking note of the advantage of lack of boundary measurements in para no. 10 and 11 of the plaint. Therefore, already the plaintiff has made sufficient pleadings with regard to the alleged trespass made by the plaintiff. Therefore, to appoint an Advocate Commissioner is just and necessary to prove their case but the court below failed to give such opportunity. Therefore, the findings of the trial court is set aside. The trial court is directed to appoint Advocate Commissioner within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision Petition is allowed and the order dated 30-10-2025 made in IA.No.3 of 2023 in OS.No.298 of 2023 on the file of the Additional District Munsif Court, Pollachi, Coimbatore District, is set aside. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

20-04-2026

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



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CRP No. 2272 of 2



T.V.THAMILSELVI J.

MTL

To

1. The Additional District Munsif Court, Pollachi, Coimbatore District

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