



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1949 of 2026

and

CMP.No.8730 of 2026

1. P.Marappa Gounder
S/o. Pongiya Gounder, Res. at
D.No.3/483, Poosari Thottam,
Onnipalayam Puthur, Bilichi Village,
Coimbatore North Taluk,
Coimbatore-641 019.

2. N.Maragathamani
W/o. P.Marappa Gounder Door No.
10/306, Mesthiri Thottam, Nanna
Puram, Kunnathur Pudur Post
S.S.Kulam Via Coimbatore 641 107

3. S.Kalamani
W/o. R.Somasundaram Res. at
D.No.3/483, Poosari Thottam,
Onnipalayam Puthur, Bilichi Village,
Coimbatore North Taluk,
Coimbatore-641 019.

4. N.Boopathy
S/o. Natarajan Res. at D.No.3/483,
Poosari Thottam, Onnipalayam Puthur,
Bilichi Village, Coimbatore North
Taluk, Coimbatore-641 019.

5. Kanagamani
W/o. Balusamy Vara Thottam Mondikal
Puthur Vadavalli Village Perur Post
Coimbatore 641 697

Petitioner(s)

Vs



1. C.Marudachalam
S/o.Chinniya Gounder, Res. at
D.No.3/489, Poosari Thottam,
Onnipalayam Puthur, Bilichi Village,
Coimbatore North Taluk,
Coimbatore-641 019.

2.C.Shanmugham
S/o. Chinniya Gounder Res. at
D.No.3/483, Poosari Thottam,
Onnipalayam Puthur, Bilichi Village,
Coimbatore North Taluk,
Coimbatore-641 019.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and final order dated 01.12.2025 made in I.A. No. 3 of 2025 in OS No. 944 of 2025 on the file of the Principal District Munsif, Coimbatore.

For Petitioner(s): Mr.V.P.K.Gowtham

For Respondent(s):

ORDER

The petitioners have filed this revision to set aside the fair and final order dated 01.12.2025 made in I.A. No. 3 of 2025 in O.S. No. 944 of 2025 on the file of the Principal District Munsif, Coimbatore.

2. Before the trial court, the plaintiff filed an application in I.A. No. 3 of 2025 in O.S. No. 944 of 2025 under Order XXVI Rule 9 of the Code of Civil Procedure, seeking the appointment of an Advocate Commissioner to visit the



petition-mentioned property and note down its physical features. The said application was allowed, and aggrieved by the same, the present revision has been filed.

3. The learned counsel for the petitioners submitted that, without producing any document, the plaintiff has approached the court seeking to note down the physical features of the property, which belongs to the defendant. Therefore, the petitioners have a valid objection to the appointment of such an Advocate Commissioner.

4. On a perusal of the records, it reveals that the respondent/plaintiff has filed a suit for permanent injunction, claiming relief in respect of Item No. 2 of the common cart track. As per the averments made in the plaint, the defendants have prevented the plaintiff from using the said common cart track with an intention to harass him. Therefore, he has come forward with the present suit.

5. Before the commencement of the trial, the plaintiff filed an application seeking appointment of an Advocate Commissioner to note down the physical features of the petition-mentioned property, namely Item No. 2 of the common cart track, described as a cart track measuring 56 meters in length and 16 feet in width, running from east to west, and situated in S.F. No. 973/3 and extending towards the western side in S.F. No. 972, serving as a common cart track to



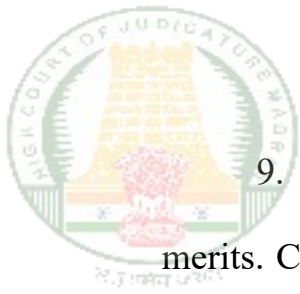
reach the suit property and connecting from Ounipalayam to Periya Pudur Thar Road.

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6. On hearing both sides and considering the objections raised by the defendants, the trial court held that, in order to decide the issue between the parties with regard to the said common cart track, the report of the Advocate Commissioner would assist the Court. Accordingly, the petition was allowed. Aggrieved by the same, the revision petitioners has preferred the present revision.

7. The learned counsel for the petitioners contended that the plaintiff is not entitled to collect evidence through the Advocate Commissioner and that the court below has wrongly granted such an opportunity. Hence, he prayed for dismissal of the said application.

8. Considering the nature of the relief sought in the suit and the reasons assigned by the plaintiff for appointment of an Advocate Commissioner, this Court finds that the same is justified. The usage and existence of the common cart track are in dispute between the parties, and the same can be effectively ascertained with the assistance of the Commissioner's report, which would aid the Court in adjudication. Therefore, this Court does not find any reason to interfere with the order passed by the trial court.



9. Accordingly, the Civil revision petition is dismissed as devoid of merits. Consequently, the connected miscellaneous petition is closed. No costs.

However, the Advocate Commissioner is directed to execute the warrant in the presence of both parties.

10-04-2026

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

1. The Principal District Munsif,
Coimbatore.
2. The Section Officer, VR Section,
High Court of Madras.



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T.V.THAMILSELVI J.
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