



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 3896 of 2025

1. Lavanya
W/o. Ramesh, D.No.10-5-12,6-5-3,
T.S.V. Veeranan Chettiyar St, Athur,
Ward No.10, Chinnalapatti, Dindigal
624301.

Petitioner(s)

Vs

1. Abdul Kathar
D.No.10, Railway Station Road,
Thudiyalur, Coimbatore 641 034.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 Constitution of India, prays to set aside the fair and decreetal order passed in IA No.2 of 2025 dated 11.07.2025 in OS No.34 of 2025 on the file of III Additional District Munsif, Coimbatore.

For Petitioner(s): M.Mahamani
V. Aravind Karthikeyan For
Petitioner

For Respondent(s): Sole Respondent - Unclaimed
Private Notice
Sole Respondent - Item
Delivered On 27/09/2025
(vide Tracking Sheet Only)

ORDER

The petitioner has filed this petition to set aside the fair and decreetal order passed in IA No.2 of 2025 dated 11.07.2025 in OS No.34 of 2025 on the



file of III Additional District Munsif, Coimbatore.

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2. Before the Trial Court, the petitioner/plaintiff filed an application under Order XXVI Rule 9 of the Code of Civil Procedure seeking appointment of an Advocate Commissioner to note down the physical features and the metes and bounds of the petition-mentioned property with the assistance of a qualified surveyor. The said application was dismissed by the Trial Court on the ground that an Advocate Commissioner cannot be appointed to fill up lacunae in the plaintiff's case.

3. According to the plaintiff, after purchasing the property in the year 2024, he found that the defendant had encroached upon a portion of the property by putting up construction and by damaging the compound wall. In order to establish the extent of encroachment and to place the physical features on record, he sought appointment of an Advocate Commissioner to measure the property with the help of a surveyor.

4. Considering the cause of action for the suit, the plaintiff has specifically stated that upon purchase of the property, he noticed the alleged encroachment and interference by the defendant when he attempted to measure the property. Therefore, he was constrained to file the suit. In such



circumstances, appointment of an Advocate Commissioner to note down the physical features and measure the property with the assistance of a surveyor appears to be just and necessary for proper adjudication of the dispute.

5. The Trial Court, without properly appreciating this aspect, erroneously dismissed the application. Hence, this Court is inclined to set aside the order passed by the Trial Court. Accordingly, I.A. No. 2 of 2025 in O.S. No. 34 of 2025 is allowed. The Trial Court is directed to appoint an Advocate Commissioner to inspect the property, note down the physical features, and measure the property with the assistance of a surveyor, after issuing notice to both parties. The Advocate Commissioner shall file a report before the Trial Court in accordance with law.

6. Accordingly, this Civil Revision Petition is Allowed. There shall be no order as to costs.

02-03-2026

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



To

1. Abdul Kathar
D.No.10, Railway Station Road,
Thudiyalur, Coimbatore 641 034.

2. The III Additional District Munsif,
Coimbatore.

3. The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI J.
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