



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.4131 of 2025
and CMP.No.21298 of 2025

Venkatesan

... Petitioner

VS.

1.Indirani
2.Revathi

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 22.01.2025 in I.A.No.816 of 2024 in O.S.No.147 of 2021 on the file of the Principal District Munsif, Tindivanam.

For Petitioner : Mr.J.Antony Jesus
For Respondents :M/s.N.Srinivasulu for R2
No Appearance for R1

ORDER

This Civil Revision Petition is filed challenging the order passed by the trial Court, dismissing the application filed by the petitioner/plaintiff seeking appointment of Advocate Commissioner.



2. The petitioner herein filed a suit for bare injunction restraining the respondent from interfering with the possession. According to the petitioner, there is an old Iron shop and Chicken shop in the suit property and he is in possession of the suit property. The respondents filed a written statement denying the possession of the plaintiff.

3. The instant application has been filed by the petitioner seeking appointment of Advocate Commissioner to measure the property and file a report. In the affidavit filed in support of the application, it was stated by the petitioner that he is running Iron shop and Chicken shop in the suit property and the respondent denied his possession over the suit property.

4. It is also stated that the respondents claimed that there was no shop in the suit property and therefore, the Advocate Commissioner shall be appointed.

5. A perusal of the written statement filed by the respondents/defendants would indicate that the respondent denied the alleged possession of the plaintiff over the suit property. Regarding the existence of the superstructure in the suit property, there is no denial by the respondents/defendants. In fact, the respondents claimed that the electricity



service connection in the suit property stands in his name and hence he admitted the existence of the superstructure. In such circumstances, there is no serious dispute with regard to the physical features of the suit property and the possession of the parties cannot be ascertained by appointing Advocate Commissioner.

6. In view of the same, I do not find any irregularity or illegality in the order passed by the trial Court. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. The trial Court was directed to dispose of the suit expeditiously, keeping in mind the time line fixed by this Court by order dated 30.10.2024 in CRP.No.4116 of 2024.

25.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To
The Principal District Munsif,
Tindivanam.



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S.SOUNTHAR, J.

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