



WEB COPY

CRP No. 105 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 105 of 2026

AND

CMP NO. 379 OF 2026

Murugavel
S/o. Adhimoolam,
Res. at Aalagkuppam Village,
Marakkanam Taluk,
Villupuram District.

..Petitioner(s)

Vs

1. Raghunathan
S/o. Venkatesan,
Res. at Aalagkuppam Village,
Marakkanam Taluk,
Villupuram District.
2. Kamsala
W/o. Venkatesan,
Res. at Aalagkuppam Village,
Marakkanam Taluk,
Villupuram District.
3. Ramani
W/o. Venkatesan,
Res. at Aalagkuppam Village,
Marakkanam Taluk,
Villupuram District.
4. Velvalli
D/o. Venkatesan,
Res. at Aalagkuppam Village,



Marakkanam Taluk,
Villupuram District.

5. Venkatesan
S/o. Irusan
Res. at Aalagkuppam Village,
Marakkanam Taluk,
Villupuram District.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Order and Decreetal order in I.A.No.282 of 2023 in O.S.No.43 of 2023 dated 24.07.2025 on the file of the Additional District and Sessions Judge, Tindivanam.

For Petitioner(s): Mr. R. Karunagaran

Order

This Civil Revision Petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner, seeking appointment of Advocate Commissioner to measure the B schedule Property.

2. The petitioner herein/plaintiff filed a suit in O.S.No.43 of 2023 for bare injunction restraining the defendants from interfering with the petitioner's right to user of B schedule property, as an access to the A schedule property. Along



with the plaint, the petitioner also filed an application seeking appointment of Advocate Commissioner to measure the suit B schedule property and to file a report with regard to the physical features. The said application was dismissed. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner would submit that the petitioner has been using the B schedule property as an access to the A schedule property and the respondents are attempting to interfere with the right of user available to the petitioner and therefore, appointment of Advocate Commissioner is necessary.

4. In the suit, the petitioner seeks only bare injunction restraining the defendants from interfering with his alleged right of user. There is no dispute with regard to the identity of the suit B schedule property. The petitioner, as a plaintiff in a suit for bare injunction, has to prove his lawful possession by leading oral and documentary evidence. Advocate Commissioner cannot be appointed to collect evidence to support the case of the petitioner, in the absence of any dispute with regard to the identity or location of the property. Therefore, this court is not inclined to interfere with the well considered order passed by the Trial Court.



5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

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To

The Additional District and Sessions Judge,
Tindivanam.



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S.SOUNTHAR J.

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