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CRP.No.12 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 12 of 2026 and
CMP No.24 of 2026**

1. Krishnaveni

2. K.C.Mohanasundaram

3. K.C.Nagarajan

4. K.C.Ulaganathan

... Petitioner(s)

Vs.

1. Selvam

2. S.Ganesh

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 21.01.2025 passed by the District Munsif, Sholingur, Ranipet District in I.A.No.2 of 2023 in O.S.No.66 of 2023.

For Petitioner(s): Mr. S.Pugaleanthi

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 note down the physical features.

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2. The petitioner herein/plaintiff filed a suit in O.S.No.66 of 2023 seeking permanent injunction against the respondents. Pending suit, the petitioner filed the instant application seeking appointment of Advocate Commissioner and the same was dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner would submit that the suit property is a vacant site and the respondents are attempting to put up construction in the suit property. Therefore, instant application has been filed by the petitioner seeking appointment of Advocate Commissioner to note down the physical features.

4. The petitioner filed the suit for bare injunction, asserting possession over the suit property. If the petitioner is in possession of the property, the respondents cannot enter the same and put up any construction. Further, if the respondents attempted to interfere with the possession of the petitioner and put up any construction in the suit property, it is always open to the petitioner to file an application for interim injunction seeking appropriate restraint order



against the respondents. In a suit for bare injunction, the plaintiff has to prove his lawful possession over the suit property by leading independent evidence and the possession of the property cannot be assessed by appointment of Advocate Commissioner. In the absence of any controversy with regard to the identity of the property, appointment of Advocate Commissioner is not at all necessary. I do not find any error in the impugned order passed by the court below.

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

07.01.2026

Internet : Yes
Index : Yes / No
Neutral Citation: Yes/No
MST

To

The District Munsif, Sholingur,
Ranipet District.

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S.SOUNTHAR, J.

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