



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6629 of 2025 and
CMP.No.32911 of 2025**

Kannan

Petitioner

Vs

Reshma

Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the fair and decretal order dated 18.09.2025 made in IA No.2 of 2025 in OS No.18 of 2021 on the file of the First Additional District Munsif, Kallakurichi.

For Petitioner(s): C.Munusamy

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the respondent/plaintiff seeking appointment of Advocate Commissioner to measure the suit property with the assistance of competent Surveyor.



2. The respondent herein filed a suit for bare injunction against the petitioner. According to the respondent, she purchased 1750 sq. ft. of vacant site in Suit Survey No. 253/1C. The petitioner purchased 10 cents of vacant land in the very same survey number on the West of the property purchased by the respondent. Since the petitioner disputed the lie of the suit property, the instant application has been filed by the respondent seeking measurement of the suit property with the help of Surveyor and the same was allowed by the trial court. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner vehemently assailed the impugned order on the ground by seeking appointment of advocate commissioner to measure the suit property, the respondent is attempting to collect evidence. Therefore, the trial court ought not have allowed the same.

4. A perusal of the pleadings of the parties would indicate that both of them purchased their respective properties in the very same survey number in S.No.253/1C from the very same vendor. It is also seen that the petitioner is the previous purchaser and the respondent purchased adjacent property subsequently. Since both the parties purchased vacant land situated in very same survey number and also from the very same vendor, it is better to measure the properties of both the parties with reference to title deeds and revenue documents with the help of Surveyor so that the properties purchased by both the parties can be earmarked and the dividing line can be fixed. If any decree is passed by the Trial Court without identifying the properties of respective parties



with reference to title deeds, it may be an unworkable decree. Even assuming the properties purchased by the parties overlap with each other, the petitioner/defendant, being an early purchaser, is entitled to have precedence over the document of the respondent. In such circumstances, allowing the present application will not cause any serious prejudice to the petitioner. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

05-01-2026

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

The I Additional District Munsif, Kallakurichi.



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S.SOUNTHAR J.
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