



CRP(MD). No.99 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.99 of 2023

Sankarlal

...Revision Petitioner/
Petitioner/Plaintiff

Vs

1.Selvaraj

2.Dathi

... Respondents/Respondents/
Defendants

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 14-10-2022 passed in I.A.No.9 of 2022 in O.S.No.21 of 2015 on the file of the learned Principal District Munsif Court, Kuzhithurai.

For Petitioner : Mr.M.P.Senthil

For R1 and R2 : M/s.J.Anwandhavalli

ORDER

This Civil Revision Petition has been filed challenging the order passed by the trial Court rejecting the application filed for appointment of Advocate Commissioner, dated 14-10-2022 in I.A.No.9 of 2022 in



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O.S.No.21 of 2015 by the learned Principal District Munsif Court, Kuzhithurai.

2. The trial Court, vide order dated 14.10.2022 has passed the following orders:

10. This court is aware of the fact that even in a suit for bare injunction, an Advocate Commissioner can be appointed. It is not a complete bar for a Court to appoint an Advocate Commissioner in a suit for bare injunction. However, such an appointment must be only in cases where it is necessary for localising the property, when there is a dispute regarding boundaries or there is an attempt made to alter the physical features of the property etc. In a suit for bare injunction, the Courts are normally reluctant to appoint a Commissioner for noting down the physical feature of the property, since in most of the cases, it will amount to collecting evidence in favour of one of the parties."

3. The learned counsel appearing for the revision petitioner submitted that there exists a building in the suit property and that only upon appointment of an Advocate Commissioner can the property be inspected and a report be filed regarding the existence and physical



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features of the said building.

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4. Per contra, the learned counsel appearing for the respondents submitted that according to them, no such building exists as claimed by the revision petitioner. It was further submitted that the appointment of an Advocate Commissioner would merely be for the purpose of inspecting the property and filing a report regarding the physical features, including the existence or otherwise of the building and that such a report would not determine the ownership or the rival claims of the parties.

5. Considering the submissions made, this Court is of the view that the scope of appointing an Advocate Commissioner in the present case is limited to ascertaining the physical features of the property, particularly whether a building exists or not. Such appointment would assist the Court in effectively adjudicating the matter and would not, in any manner, decide the title or rights of the parties.



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6. Accordingly, the order passed by the trial Court is set aside and the trial Court is directed to appoint an Advocate Commissioner to inspect the suit property and file a report.

7. With the above direction, this Civil Revision Petition stands allowed. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

The Principal District Munsif Court,
Kuzhithurai.



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N.SENTHILKUMAR, J.

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