



CRP(MD). No.276 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.276 of 2026

and

C.M.P(MD) No.1152 of 2026

Deivanai

... Petitioner

Vs

Shanmuganathan

... Respondent

PRAYER :-Civil Revision Petitions filed under Article 227 of the Constitution of India, to call for the records relating to the Fair and Decreetal order, dated 14.10.2025 in I.A.No.09 of 2025 in O.S.No.107 of 2024 passed by the Learned Subordinate Court, Mudukulathur and set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mr.Ramalingam K.C

ORDER

This Civil Revision Petition has been filed challenging the order, dated 14.10.2025 passed in I.A.No.09 of 2025 in O.S.No.107 of 2024 by



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the learned Subordinate Judge, Mudukulathur, whereby the application filed for appointment of an Advocate Commissioner was dismissed.

2. The plaintiff in the suit is the revision petitioner. A reading of the plaint discloses that the property in dispute is comprised in Survey No.570/3A1. According to the plaintiff, the said property has been in his possession and enjoyment and a patta bearing No.1586 has been granted in his favour in respect of Survey No.570/3A1. It is further stated that there has been no subdivision in the said survey number, which is evidenced by the proceedings dated 20.05.2024.

3. The defendant, in the written statement, has contended that under Patta No.2867, the property is a joint patta relating to Survey No. 570/3A1B and that a subdivided patta bearing No.11326 has been granted in his favour. According to the defendant, he has been in possession and enjoyment of the said property.

4. In such circumstances, the plaintiff filed an application seeking appointment of an Advocate Commissioner to inspect the property and submit a report regarding possession. The trial Court, by order dated



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14.10.2025, dismissed the application on the ground that the same was filed only for the purpose of collecting evidence. The Court further held that an Advocate Commissioner cannot be appointed to ascertain as to who is in actual possession of the property and that such possession must be established only by way of oral and documentary evidence during trial.

5. This Court finds no infirmity in the order passed by the trial Court. The reasoning assigned by the trial Court is proper and does not warrant interference.

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

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

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N.SENTHILKUMAR, J.

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