



C.R.P.(MD)No.924 of 202

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.924 of 2026

and

C.M.P.(MD)No.4266 of 2026

1.N.Ramachandran

2.G.Krishnaveni

3.V.Mahalakshmi

4.S.Kiruthiga

5.S.Saranya

... Petitioners

vs.

1.R.Prabakaran

2.C.Sumathi

3.R.Saroja

4.M.Valarmathi

5.Vairamani

6.S.Muthuraja

Represented through his power agent/father,
Sondarapandian

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.9 of 2025 in O.S.No.85 of 2021, dated 18.12.2025 on the file of the



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Subordinate Judge, Mudukulathur and consequently allow the application for an appointment of an Advocate Commissioner.

For Petitioners : Mr.A.Maruthachalam

ORDER

Heard Mr.A.Maruthachalam, for Civil Revision
Petitioners/plaintiffs.

2. This revision challenges the order of the learned Subordinate Judge, Mudukulathur in I.A.No.9 of 2025 in O.S.No.85 of 2021, dated 18.12.2025.

3. In a suit for partition, after it has progressed to trial, the plaintiffs took out an application for appointment of an Advocate Commissioner. The plea of the plaintiff is that the 6th defendant has urged that he had put a fence around the property in his occupation. The same was denied. Consequently, the application for appointment of an Advocate Commissioner was filed, to note down whether such fencing exists around the property in the occupation of the 6th defendant.

4. This application in I.A.No.9 of 2025 was dismissed by the learned Subordinate Judge at Mudukulathur. Hence, the revision.



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5. The issue as to whether there is a fence, a barbed wire, or a live fence around the property of the 6th defendant is absolutely irrelevant in a suit for partition. The scope of investigation in such a suit is whether the plaintiff has a partible right in the property. That exercise must be carried out by the Court and not by a Commissioner. If the plaintiff proves that he has a right over the property, irrespective of whether there is a fence or otherwise, the Court will pass a preliminary decree in his favor. Disputed questions of identification do not arise in the present suit.

6. I do not find any reason to take a different view from that taken by the learned Subordinate Judge, Mudukulathur. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

06.04.2026

To:

The Subordinate Judge, Mudukulathur.

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V.LAKSHMINARAYANAN, J.

Nsr

Order made in
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