



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2026

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THE HONOURABLE MR JUSTICE N.SENTHILKUMAR

**C.R.P(MD)No.1059 of 2025
and
C.M.P.(MD)No.5775 of 2025**

Tamilarasi

...Petitioner

Vs

1.The Family Manager,
P.Ramachandran

2.Subbarayan

3.Saroja

4.Suganya

5.Ravichandran

...Respondents

PRAYER: Civil Miscellaneous Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 17.02.2025 passed in I.A.No.4 of 2024 in O.S.No.354 of 2018 on the file of Additional District Munsif, Karur.

For Petitioner : Mr.K.Suresh

For Respondents : No appearance



ORDER

This Civil Revision Petition has been filed challenging the order dated 17.02.2025 made in I.A.No.4 of 2024 in O.S.No.354 of 2018 on the file of the Additional District Munsif Court, Karur.

2.The first respondent/plaintiff has filed a suit in O.S.No.354 of 2018 before the District Munsif Court, Karur, for the relief of permanent injunction along with other reliefs. Pending suit, the respondents 2, 3 and 5 along with others have filed an application in I.A.No.4 of 2024 under Order 26 Rule 9 CPC for appointment of an Advocate Commissioner to measure the suit property and the property owned by the petitioners therein/defendants 1, 3 to 5 and 7 and to note-down the physical features with the assistance of the qualified Head Surveyor, by filing a report and plan. The said application was dismissed on 17.02.2025. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioner reiterating all the contentions set out in the memorandum of grounds of Civil Revision Petition would submit that in order to prove the case of the petitioner that North-South 3 feet space left behind the lands owned by the petitioner and others and the property of one Natchayee Ammal is the exclusive space owned by the petitioner and others, in which the first respondent/the plaintiff has no right, it is necessary to appoint an



Advocate Commissioner for measuring the property as stated above. He would further submit that no prejudice will be caused on the side of the first respondent/plaintiff, if the relief sought for by the petitioner is granted by this Court. He would therefore call upon this Court to set aside the order impugned herein and grant the relief as prayed for.

4.Despite service of notice to the respondents, when the matter is taken up for hearing today, none appears for the respondents.

5.Heard the learned counsel for the petitioner and perused the records.

6.Considering the facts and circumstances of the case, this Court is not inclined to go into the merits and demerits of the issue involved in the suit. In the case on hand, an order of dismissal for appointment of an Advocate Commissioner to note-down the physical features of the suit property with a qualified Surveyor is under challenge. By appointing an Advocate Commissioner to measure the suit property, in my opinion, no prejudice will be caused to the other side. The report of the Advocate Commissioner is itself a piece of evidence to enable the Court to arrive at a definite conclusion either in favour of the petitioner or in favour of the respondents. Hence, this Court is inclined to interfere with the order of the trial Court.



7. Accordingly, this Civil Revision Petition stands allowed and the impugned order dated 17.02.2025 made in I.A.No.4 of 2024 in O.S.No.354 of 2018 on the file of the learned Additional District Munsif, Karur, is hereby set aside. The Court below is directed to appoint an Advocate Commissioner for measuring the suit property including the property in SF.No.555 situated at Andankoil East Village, Manmangalam Taluk, with the assistance of qualified Head Surveyor and for filing a report along with plan. No costs. Consequently, connected Miscellaneous Petition is closed.

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

06.01.2026

To

The Additional District Munsif, Karur.



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N.SENTHILKUMAR, J.

mm

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