

C.R.P.(MD).No.1311 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2026

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(MD).No.1311 of 2026
and C.M.P(MD).No.6196 of 2026

Kalyani

... Petitioner

Vs.

Kannan

... Respondent

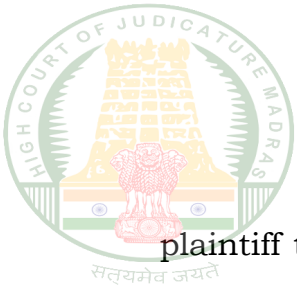
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decretal order passed in I.A.No.3 of 2024 in O.S.No.416 of 2024 dated 17.02.2026 on the file of the I Additional District Munsif Court, Tirunelveli.

For Petitioner : Mr.T.Selvan

ORDER

The plaintiff is the civil revision petitioner. For the sake of convenience, the parties will be referred to as per their ranks in the suit.

2.The plaintiff presented a suit for permanent injunction restraining the defendant from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule mentioned property. It is the case of the



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plaintiff that the suit property belonged to her husband. He had executed a settlement deed on 01.07.2014 in favour of the plaintiff. Thereafter, the plaintiff claimed that she has been in possession and enjoyment of the same. As the defendant attempted to interfere with her possession, she lodged a complaint with Manur Police Station on 05.05.2024. Thereafter, she took out an application with the jurisdictional Thasildar seeking inspection and demarcation of the property. It is the allegation of the plaintiff that when the Taluk Officials came to the suit schedule mentioned property for the purpose of measurement, the defendant opposed the measurement. Consequently, the Officials left the premises. Thereafter, she issued a lawyer's notice to the defendant and presented the suit for injunction.

3.The plaintiff took out an application in I.A.No.3 of 2024 seeking orders from the Court to measure the suit schedule mentioned property. This application under Order 26 Rule 9 was opposed by the defendant stating the plaintiff was trying to collect evidence through the process of an Advocate Commissioner. This submission found favour with the learned trial Judge, who dismissed the application. Hence, this revision.

4.Heard Mr.T.Selvan for the petitioner and I have gone through the records.



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5.The suit is one for bare injunction. The plaintiff has not sought either for demarcation or for declaration of title. In a suit for bare injunction, the only issue that the Court has to see is whether the plaintiff is in lawful possession and enjoyment of the property. It is the duty of the plaintiff to prove such lawful possession over the property to the satisfaction of the Court. If she does so, she will be entitled for a decree of injunction. In such a suit, an Advocate Commissioner need not be appointed for the purpose of noting down the physical features.

6.In case, there is a dispute in identity, then the duty is cast upon the Court to fix the identity and thereafter, proceed further. As no such dispute exists today, the order of the learned trial Judge cannot be found fault with. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Rmk

To

1.I Additional District Munsif, Tirunelveli.

2.The Section Officer, VR Section,

Madurai Bench of Madras High Court, Madurai.

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V.LAKSHMINARAYANAN,J.

Rmk

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