



CRP(MD). No.3862 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3862 of 2025
and
CMP(MD) No.20323 of 2025**

Yesudhas

... Petitioner

Vs

1.Samuvel

2.Roselet Joy

3.Rosily

4.Vasantha Kumari

5.Suja

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned order passed in I.A.No. 11 of 2024 in O.S.No.153 of 2019 dated 01.07.2025 on the file of the Principal District Munsif Court, Padmanathapuram.

For Petitioner

: Ms.P.Subathra Devi



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ORDER

This Civil Revision Petition has been filed challenging the order made in I.A.No. 11 of 2024 in O.S.No.153 of 2019 dated 01.07.2025 on the file of the Principal District Munsif Court, Padmanathapuram.

2.The respondents 1 and 2 herein/plaintiffs have filed a suit in O.S.No.153 of 2019 before the Principal District Munsif Court, Padmanabhapuram, for the relief of permanent injunction and mandatory injunction. Pending suit, the respondents 1 and 2/plaintiffs have filed an application for appointment of an Advocate Commissioner and the same was allowed. Subsequently, the Advocate Commissioner had visited the property along with a Taluk Surveyor and after measuring the property, had filed his report along with a plan. Seeking to cancel the same, the petitioner/second defendant along with defendants 4 and 5 have filed an application in I.A.No.11 of 2024 under Order 26 Rule 10(2) and Section 151 CPC before the Court below. The same was dismissed on 01.07.2025. Challenging the same, the present Civil Revision Petition has been filed.



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3.The learned counsel for the petitioner reiterating all the contentions set out in the memorandum of grounds of Revision would submit that the Advocate Commissioner had acted in a biased manner and had filed a report as well as the plan, without measuring the property properly. The Commissioner had traversed beyond the scope of the pleadings in the Commission application plaint and had also noted the imaginary facts to support the case of the respondents 1 and 2/plaintiffs. However, without considering the facts and circumstances of the case properly, the Court below had dismissed the application, which is under challenge herein. Therefore, he would pray for appropriate orders.

4.I have carefully considered the submissions made by the learned counsel for the petitioner. Records perused.

5.Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.

6.Admittedly, an application had been taken out in I.A.No.11 of 2024 to reject the report and plan of the Advocate Commissioner. The



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said application had been dismissed by the Court below. It is well settled that a Commissioner's report is merely a piece of evidence and not a conclusive proof. When such a report is contrary to the admitted documents, an aggrieved party is always at liberty to cross-examine the Advocate Commissioner for disproving the report filed by him/her, by producing necessary documents at the time of trial. It is to be noted that in the order impugned herein, the Court below had also indicated that the suit is still at the initial stage and the Advocate Commissioner can very well be examined during trial. This Court is also of the view that the petitioner can very well cross-examine the Advocate Commissioner, can raise all his objections with regard to the report and plan of the Advocate Commissioner and to mark necessary documents to disprove the report and plan of the Advocate Commissioner at the time of trial, if he is aggrieved.

7. In such view of the matter and also considering the fact that the suit is at the initial stage, I do not find any infirmity, which necessitates interference with the order impugned in the present Civil Revision Petition. Accordingly, Civil Revision Petition stands dismissed as devoid



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of merits. No costs. Consequently, connected Miscellaneous Petition stands closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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05.01.2026

To

The Principal District Munsif, Padmanathapuram.



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N.SENTHILKUMAR, J.

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