



C.R.P(MD) No.232 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2026**

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

C.R.P(MD) No.232 of 2026

and

C.M.P(MD) No.934 of 2026

K.Jegatheshan

... Petitioner

Vs.

S.K.Raja Sekar

... Respondent

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the order, dated 09.12.2025 made in I.A.No.3 of 2024 in O.S.No.46 of 2022 on the file of the Principal District Munsif Court, Tirunelveli, by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Selvaganpathy

ORDER

The Civil Revision Petition has been filed challenging the order made in I.A.No.3 of 2024 in O.S.No.46 of 2022 on the file of the Principal District Munsif Court, Tirunelveli, dated 09.12.2025, whereby the learned Judge allowed the application filed by the

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respondent/plaintiff seeking amendment of the plaint.

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2. The respondent/plaintiff filed the said application to amend the plaint based on the report of the Advocate Commissioner, dated 28.10.2024, stating that after the institution of the suit, the defendant had encroached upon the second item of the suit property and put up a construction therein. The trial Court, taking into consideration the said subsequent development and the fact that the suit is still pending for enquiry, held that if the amendment is not allowed, it may lead to multiplicity of proceedings. The trial Court further observed that this is the appropriate stage to permit such amendment and that no prejudice would be caused to the defendant, as he would have the opportunity to file his additional written statement. Accordingly, the application was allowed. Challenging the same, the present Civil Revision Petition has been filed.

3. The revision petitioner/defendant contended that the Advocate Commissioner, who inspected the suit schedule property, has merely stated in his report that there exists a compound wall which has been encroached upon by the defendant. According to the revision petitioner,



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the said compound wall has been in existence for more than 30 years and the Advocate Commissioner has not stated anything regarding the age of the compound wall.

4. It is for the trial Court to consider the Commissioner's report in accordance with law. In the absence of any specific finding regarding the age of the compound wall, the report can only be construed as indicating an alleged encroachment. The scope of the Advocate Commissioner's report is confined to the terms of the warrant issued and the trial Court is required to examine whether the report satisfies the said warrant.

5. If the revision petitioner is aggrieved by the said report, it is always open to him to examine the Advocate Commissioner during the course of trial and elicit necessary particulars. It is also pertinent to note that the defendant did not raise any objections at the time of the Advocate Commissioner's inspection.



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6. With the above liberty, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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To

1. The Principal District Munsif Court,
Tirunelveli.
2. The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR,J.

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