

**THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ANNUR.**

PRESENT: Tmt.V.Monika, B.A., B.L., L.L.M.,
District Munsif cum Judicial Magistrate, Annur.

On this Tuesday, the 18th day of November, 2025.

I.A.No. 7/2025
in
O.S.No. 369/2023
(CNR.No.TNCB21-001886-2023)

Previous case details of this case:-

THE COURT OF THE IIIRD ADDITIONAL DISTRICT MUNSIF, COIMBATORE.

I.A.No.1/2021
in
O.S.No.832/2015

1. Paappathi

2. K.Ramasamy

3. Nanjammal Petitioners/Plaintiffs

//Versus//

M.Kalikutti Respondent/Defendant

This petition is coming on today for final hearing before this court in the presence of Thiru.N.Ramar, Learned Counsel for the Petitioners/Plaintiffs and the Respondent/Defendant was set exparte and upon perusal of material records and having stood over for consideration till this date, this court passed the following:

ORDER

This petition has been filed by the Petitioners/Plaintiffs under Order 26 Rule 9 of CPC to appoint an advocate/commissioner to note down the physical features with the help of the Taluk Surveyor and to submit a plan and thus render justice.

2. This suit has been filed for the relief of bare injunction against the respondent / defendant to not to encroach upon the suit property and not to disturb the possession of suit property by the petitioners / plaintiffs. In this suit, this petition under Order 26 Rule 9 has been filed for the relief of appointment of an advocate commissioner along with the assistance of Surveyor for noting down the physical features, survey and prepare a report along with the sketch. In this petition, the respondent was set exparte due to failure of filing counter.

3. Records perused and the submissions of the petitioner counsel was also heard. From the plaint, it is clear that the suit has been filed only for the relief of bare injunction. The only allegations leveled against the respondent was that he objected to survey the suit property. It is asserted by the petitioners that the respondent / defendant is the adjacent land owner. Since the allegation is only regarding obstruction to survey of the suit property and there was no contentions placed in the plaint that there actually exists dispute in the boundary or not even alleged that the respondent had encroached upon suit property, no satisfactory or acceptable reasons

found for the necessity of surveys of the suit property by the advocate commissioner along with the aid of Taluk Surveyor.

4. When there is no dispute over boundary of the property and no question of encroachment by the respondent arose, the need for appointment of an advocate commissioner along with Surveyor to measure the boundary is not sufficiently established in the present case. In this bare injunction suit, a report of an advocate commissioner with assistance of Surveyor will not have any impact in aiding the court to arrive a just decision. Since, the reasons pleaded for need of appointment of an advocate commissioner is not satisfactorily explained, this court finds that survey of the suit property is not warranted in the facts and circumstances of this case.

In the result,

the petition is dismissed.

Pronounced by me in the open court on this 18th day of November, 2025.

District Munsif cum Judicial Magistrate,
Annur.

Both side Exhibits marked: - NIL -

District Munsif cum Judicial Magistrate,
Annur.