

**IN THE COURT OF DISTRICT MUNSIF UTHANGARAI  
KRISHNAGIRI DISTRICT**

**Present : Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.  
District Munsif, Uthangarai**

On this Tuesday, the 8th day of April 2025

**I.A.No. 205 of 2016 in O.S.No. 66 of 2016**

TNKI13-000798-2016

1. Govindhan
2. Ganesan (Died)\*\*
3. Subramani
4. Amsa\*\*
5. Selvi\*\*
6. Vedi\*\*

....Petitioners / Plaintiffs

/versus/

1. Jadaiyan
2. Thirupathi
3. Suruttaiya Gounder
4. Rani
5. Lakshmi
6. Kuppu (Died)\*\*
7. Jaya
8. Parvathi
9. Periya Lingammal (Died)\*\*
10. Gudiyappan (Died)\*\*
11. Osarayan
12. Murugan
13. Ramakkal (Died)
14. Lingammal
15. Suresh
16. Veerapathiran
17. Minor. Boopathi\*
18. Rajesh
19. Minor. Damodiran\*
20. Minor. Sakthi\*
21. Venkatesan\*\*
22. Kullammal\*\*
23. Jayavel\*\*
24. Jayasakthi\*\*

....Respondents / Defendants

25. Veerapathiran\*\*

26. Kumar\*\*

(\*17<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> minor respondents are represented by Court Guardian)

(\*\*4<sup>th</sup> to 6<sup>th</sup> petitioners & 21<sup>st</sup> to 26<sup>th</sup> respondents impleaded & application amended as per order in I.A.No. 12 of 2024 dated 10.02.2025)

This interlocutory application came up before this Court on 08.04.2025 for final hearing in the presence of advocate Thiru. S. Moorthi, the learned counsel for the petitioners and advocate Thiru. K. Murugan, the learned counsel for the 3<sup>rd</sup> and 4<sup>th</sup> respondents and advocate Thiru. G. Vajjiraval, learned court guardian for the 17<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> respondents, and 1<sup>st</sup>, 2<sup>nd</sup>, 5<sup>th</sup> to 16<sup>th</sup> and 18<sup>th</sup> respondents were set *ex parte* for non-appearance and notices to the the respondents 21 to 26 dispensed with and upon hearing both sides and on perusal of records having stood over for consideration till date, this Court delivers the following:

### **ORDER**

The application has been filed under Order XXVI Rule 9 of the Code of Civil Procedure, 1908 for issuance of commission to inspect the suit property with the aid of Village Administrative Officer and qualified surveyor to note down the physical features of the suit property and file report along with sketch.

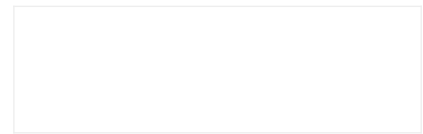
1. The application in I.A.No. 205 of 2016 had been filed by the plaintiffs seeking appointment of commissioner which was allowed by order dated 16.08.2016 and the commissioner has filed report along with sketch on 06.03.2017. The petitioners and the 3<sup>rd</sup> and 4<sup>th</sup> respondents represented no objection to the report on 31.10.2018. Further, the learned Court Guardian appearing for the minor 17<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> respondents filed objection stating that any order may be passed considering the welfare and interest of the minor respondents. A perusal of the report clearly shows that it has been carried out in accordance to the order passed by this Court and both parties have not made any objection. Further, it is a settled position of law that the

report of the commissioner is not a substantial piece of evidence as proof of any fact and will only serve as a material to clarify evidence on record. The parties can very well prove or disprove the facts stated in the report by examining the commissioner or by independent evidence and establish the facts. Hence, this Court is inclined to accept the report along with its annexures as part of the record.

**Result:**

***2. As a result, this the report of the commissioner along with its annexures are accepted and are taken on record, and accordingly, this application is closed.***

This order was dictated to the steno-typist and transcribed by her on computer and after rectification of mistakes, pronounced by me in open court on this 8th day of April 2025.



District Munsif  
Uthangarai

**Annexure**

**Petitioner side evidence**

Petitioner side Witnesses: Nil

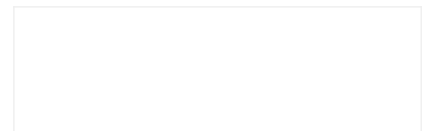
Petitioner side Exhibits: Nil

**Respondent side evidence**

Respondent side Witnesses: Nil

Respondent side Exhibits: Nil

**Court Documents:** Nil



District Munsif  
Uthangarai