

**I.A. No.03 / 2025**

**In**

**O.S. No.69 / 2018**

**Date: 02.02.2026**

**ORDER**

1. Heard both sides' counsel. Records perused. Main suit was filed for recovery of possession pending for further defendant side evidence. Petition filed to examine the Advocate Commissioner appointed in IA. No.440 / 2020 and surveyor who measured the suit property as witness on the side of the petitioners / defendants. The contention of the petitioners was that the advocate commissioner appointed in the IA. No.440/2021 has filed a report without measuring the land belonging to the defendants in Survey Nos.849/41 and 849/40B-3, and the surveyor plan was against the court warrant stating that the defendants have encroached upon the land belonging to the plaintiffs and hence the petitioner filed this petition to summon the Advocate Commissioner and the Firka Surveyor, Palamedu to examine them regarding the measurement of the suit property.

2. The respondent / plaintiff did not file court but endorsed as 'to allow on terms.'

3. Both sides did not file any documents in this proceedings.

4. Heard both sides. Records perused. The petitioner pleaded that the Advocate Commissioner and surveyor had given report without properly measuring the suit property. Thereby sought to examine the Advocate

Commissioner and Surveyor as they have given report of encroachment without proper measurement. But no documents were filed by the petitioner to support his arguments.

5. Even then in the absence of any material to prove the petitioner's contentions, as the petitioner had pleaded that the measurements were not clear in Surveyor report, this court is inclined to permit the petitioner to summon the surveyor alone as court witness and examine him based on petition contentions.

6. Since the Advocate Commissioner Report is based on the Surveyor report, examining the Surveyor alone is enough for proper decision of the main suit, the court is of the view that examining the Firha Surveyor, Palamedu will not cause any irreparable loss to the respondent and the respondent also did not raise any serious objection to allow this petition. Further examining the Firha Surveyor, Palamedu will only aid this court in deciding the main suit.

7. **In the result**, this petition is partly allowed. No costs.

District Munsif,  
Vadipatti.