

In the Court of District Munsif, Mudukulathur
Present : Ms.J.C.Aparna, B.A, L.L.B.,
District Munsif,
Mudukulathur.

Thursday the 20th day of November 2025
I.A.No.04/2023
in
O.S.No.10/2023

Minor. Navaneethakrishnan
(rep.by his father and natural
guardian R.Ananthanarayanan)

..... Petitioner/Plaintiff

/VS/

1. M.Nirmaladevi

2. Muthuramalingam

3. Satheeshkumar

..... Respondents/Defendants

This petition came on 06.11.2025 before this court for a final hearing in the presence of Thiru.S.Seeni, Learned Counsel for the Petitioner/Plaintiff, Thiru.M.Dharmar, Learned Counsel for Respondents/ Defendants and upon hearing both sides enquiry and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

ORDER

This petition has been filed under Order 26 Rule 9 of Civil Procedure Code to appointing an advocate commissioner and directing him to inspect the suit property to note down the physical features and to file report and plan.

2. The contention of the Petitioner/Plaintiff in brief:-

The petitioner is the guardian and father of the plaintiff. The suit property originally belonged to the petitioner's father Ramamoorthy by way of sale. After his

demise, the plaintiff inherited the same and constructed a house in the suit property after getting proper approval from the Town Panchayat. The defendants are the adjacent land owners in the southern side of the suit property. While the plaintiff attempted to construct a compound wall around the suit property, the defendants are obstructing the same and a police complaint has also been filed in this regard. Hence prays to appoint an advocate commissioner to note down the physical features of the suit property in the interest of justice or else this petitioner will be put to irreparable loss and hardships.

3. Brief averments of the Respondents/ Defendants in brief:

The respondents deny the averments in the petition. The main suit has been filed for the relief of permanent junction, hence in a suit for bare Injunction a commissioner cannot be appointed. A commissioner can be appointed only in a suit for declaration. Hence this petition is liable to be dismissed.

4. Point for consideration:-

Whether the petition be allowed and the relief be granted as prayed for?

No documents filed on either side. Heard both sides.

5. Answer to the Point:-

5.1. The petitioner is the Guardian and father of the plaintiff. The case of the petitioner is that the suit property was originally purchased by his father Ramamoorthy and after his demise the suit property devolved upon the plaintiff and the plaintiff is in the possession and enjoyment of the suit property by constructing a house in the same. When the plaintiff attempted to construct a compound wall around the house in the suit property, the defendants who are the adjacent land owners on the southern side of the suit property are trying to interfere with the same. Hence it is necessary to appoint a commissioner to note down the physical features of the suit property. Where the respondents state that a commissioner

cannot be appointed in a suit for bare injunction. Hence this petition is liable to be dismissed.

5.2. On Perusal it is admitted fact by both the parties that they are adjacent land owners and there appears to be a boundary dispute between the parties to the suit. It is well settled law that a commissioner can be appointed in a suit for bare injunction where there appears to be a boundary dispute or appointing a commissioner will help the court to arrive at a conclusion for the issue in hand. In the case on hand, it is admitted that the defendants are the adjacent land owners on the southern side of the suit property and a dispute arose when the plaintiff attempted to construct a compound wall around the suit property. This clearly shows that there is a dispute as to the boundary and the commissioner's report and plan would help the court in effective disposal of the suit.

5.3. Hence, in the light of the above discussions, this petition is allowed and this court appoints advocate Thiru.K.Devendramuniasamy, J/o.S.Periyasamy as commissioner. This court directs him to inspect the suit property, after giving notice to both parties, along with surveyor and V.A.O with the help of revenue records and to note down physical features and draw sketch and file report and plan. Total commissioner fee is fixed as Rs.6,000/-. In which the petitioner is directed to pay Rs.3,000/- at the time of inspection and remaining Rs.3,000/- to be paid at the time of filing report and plan by the advocate commissioner. For commissioner report and plan call on 05.01.2026.

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 20th day of November 2025.

**District Munsif,
Mudukulathur.**

Both sides witnesses and documents : Nil

**District Munsif,
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