

**IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI**

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,  
District Munsif, Tiruttani.**

Dated the Monday of 13<sup>th</sup> Day of October 2025

IA.No.3/2025 in OS.No.32/2023

(CNR.No.TNTR21-000034-2023)

...

1. K. Anusuya
2. V. Shyamala
3. R. Parimala
4. V. Jagadish

... Petitioners / Plaintiffs

/Versus/

G. Narayanan

... Respondent/Defendant

This petition came up before me for the final hearing on 24.09.2025 in the presence of M/s. C.A. Natarajan, Advocate for Petitioners/Plaintiffs, M/s. V. Venkatesan, N. Balaji, P. Pichaimani, Advocates for Respondent/ Defendant. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

**ORDER**

The petition is filed by the petitioner under order 26 Rule 9 of CPC to appoint an Advocate Commissioner along with Taluk Surveyor, Tiruttani to inspect the suit property and to measure the suit B schedule property A schedule also as per G.N.Patta No.103 and to file their report and plan.

1. **The averments by petitioner in brief:-**

(a) The suit schedule properties originally ancestral properties of one K. Ramachandra Naidu through his mother. A vacant site measuring E to W 71.8 meter and N to S 11.2 meter and said Ramachandra Naidu constructed a terraced house in front side E to W about 30 meter and the vacant site used as backyard which is more fully described as A schedule property in G.N.S.No.221/13 under Patta No.13 and house tax paid. The said K. Ramachandra Naidu died on 17.02.2022 leaving behind the petitioners as his legalheirs to succeed the same and the petitioners have been in possession and enjoyment of the same as absolute owner.

(b) While so, the defendant who is the owner of G.N.S.No.221/23 Northern

side site unlawfully encroached in December 2021 upon the backyard of the petitioners house site and constructed house which is more fully describe as B schedule while the petitioner were in Tiruvallur. To prove the same a Taluk Surveyor, Tiruttani along with an advocate Commissioner have to be appointed to measure the suit B schedule property which is encroached by the defendant which will avoid much of oral evidence. Hence this petitioners filed this petition.

2. **Counter filed on behalf of the respondent in brief:-**

(a) The petition is not maintainable either in law or on merits. This respondent already filed his written statement. After cross examination the 1<sup>st</sup> plaintiff/ the petitioner filed a petition to amend the plaint by amending the measurements of the suit property and the same was allowed. As such the petitioner admitted the earlier suit filed by this respondent's father against the 1<sup>st</sup> petitioner and others in respect of suit property in OS.No.114/1947 on the file of this court, in her cross examination. So the plaintiff has no locus standy to file this suit.

(b) As per the compromise decree passed in OS.No.114/1947 this respondent got the suit property and constructed house in his property. Since the petitioners are the encroachers in the schedule mentioned property based on the Natham patta wrongly got by suppressing the suit in OS.No.114/1947. The petitioners filed this false petition for the purpose of dragging the suit. Therefore this petition has to be dismissed with cost.

3. **Point for determination:-**

Whether the petitioners are entitled to the relief as sought for? or not?

4. **Point:-**

Heard both sides. Record perused. According to the petitioner, suit schedule properties originally are ancestral properties of petitioners. The defendant who is owner in G.N.S.No.221/23 Northern side site unlawfully encroached in December 2021 upon the backyard of the petitioners house site and constructed house in suit B schedule. To prove the same an advocate Commissioner along with Taluk Surveyor, Tiruttani have to be appointed to measure the suit B schedule property regarding the

encroachment by the defendant and to file his report and plan which will avoid much of oral evidence. Hence the petitioners pray to allow this petition.

5. The Respondent resisted the petition by contending that as per the compromise decree passed in OS.No.114/1947 this respondent got the suit property and constructed house in his property. Since the petitioners are the encroachers in the schedule mentioned property. The petitioners based on the wrong Natham patta filed this false petition for the purpose of dragging the suit. Hence the respondent prays to dismiss this petition.

6. The suit is filed for declaration of plaintiffs right, title and interest over the suit B schedule property and for mandatory injunction. Petitioner contended that there is encroachment in the suit properties. Hence this Court is of view that in the interest of justice, to provide the petitioners an opportunity to prove their case, to reduce much oral evidence and for proper adjudication of the case an Advocate Commissioner has to be appointed.

In the result M/s. S. Thulasiyammal, Advocate, Tiruttani is appointed as Advocate Commissioner. She is directed to inspect the suit property along with Taluk Surveyor, Tiruttani and Village Administration Officer, and to measure the suit A, B schedule properties with both side documents, Revenue records and on the basis of compromise decree in OS.No.114/1947. The Advocate Commissioner is directed to give prior notice to both parties about the date of inspection of the petition schedule mentioned properties. The Remuneration for the Advocate Commissioner is fixed as a sum of Rs.7,000/- which is payable directly by petitioner within one week. The Advocate Commissioner is directed to file his detailed report along with the rough sketch within a period of one month. Call on 10.11.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 13<sup>th</sup> day of October 2025.

District Munsif,  
Tiruttani.

Petitioners & Respondent side Witnesses and Exhibits :- Nil

District Munsif,  
Tiruttani.