



WEB COPY

CRP No. 2797 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2026

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2797 of 2026

AND

CMP NO. 11529 OF 2026

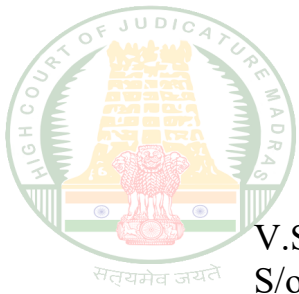
V.Siddharthan,
S/o.N.Vijayakumaran,
No.137, 2nd Street, Krishna Nagar,
Marutham Heritage Plot Back Side,
Varadharajapuram, Mudichur,
Chengalpattu District -600 048.

..Petitioner(s)

Vs

1. S.Rajendran,
S/o.Late Sadayan,
Residing at
No.D-2, Railway Police Quarters,
Salem Railway Junction,
Salem District -636 005.
2. R.Sathriyan(Minor)
S/o.S.Rajendran,
Rep. by their father and
natural guardian 1st Respondent,
Residing at
No.D-2, Railway Police Quarters,
Salem Railway Junction,
Salem District -636 005.
3. R.Kumaran(Minor)
S/o.Rajendran,
Rep. by their father and
natural guardian 1st Respondent,
Residing at
No.D-2, Railway Police Quarters,
Salem Railway Junction,
Salem District -636 005.

..Respondent(s)



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V.Siddharthan,
S/o.N.Vijayakumaran,
No.137, 2nd Street, Krishna Nagar,
Marutham Heritage Plot Back Side,
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..Appellant(s)

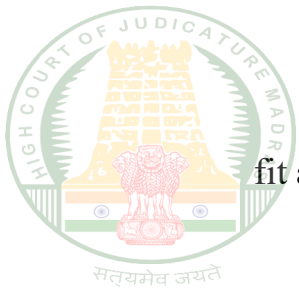
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To allow this Civil Revision Petition by setting aside the fair and decretal order dated 23.03.2026 passed in I.A.No.3 of 2025 in O.S.No.21 of 2025 on the file of the District Munsif cum Judicial Magistrate, Yercaud and pass such further or other orders as it may deem



fit and necessary in the circumstances of the case and thus render justice.

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To stay all further proceedings in O.S.No.21 of 2025 pending on the file of the District Munsif cum Judicial Magistrate, Yercaud and pass such further or other orders as this Honble Court may seem just and necessary in the circumstances of the case and thus render justice.

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For Petitioner(s): MR.M.Santhanaraman

For Respondent(s):

Order

The petitioner/plaintiff challenges the order of the trial Court dismissing I.A. No. 3 of 2025 in O.S. No. 21 of 2025, filed for appointment of an Advocate Commissioner to measure the suit property with the assistance of a Surveyor and to fix the boundaries.

2. The trial Court dismissed the application on the ground that the property had already been measured and fenced. However, the petitioner contends that the earlier measurement was undertaken in a different suit in O.S. No. 17 of 2024, filed by the defendants, and that the Commissioner's report therein has no relevance to the present suit. The present suit is one for permanent injunction, wherein specific allegations



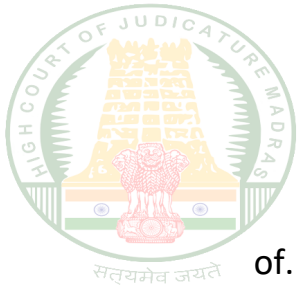
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have been made regarding attempted encroachment, interference, and removal of fencing by the defendants. In such circumstances, local inspection and measurement would assist the Court in effectively adjudicating the dispute.

3. This Court finds merit in the contention of the petitioner. The earlier proceedings in a different suit cannot preclude the petitioner from seeking a commission in the present suit, particularly when the cause of action and issues involved are distinct. Appointment of an Advocate Commissioner in cases of boundary disputes and alleged encroachment would aid in proper appreciation of the factual position on ground. Accordingly,

(i)The impugned order is set aside and I.A. No. 3 of 2025 is allowed.

(ii)The trial Court is directed to appoint an Advocate Commissioner, with the assistance of a qualified Surveyor, to measure the suit property and note down the physical features and boundaries, within a period of four (4) weeks from the date of receipt of a copy of this order.



With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JRS

To
The District Munsif cum Judicial Magistrate, Yercaud.



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T.V.THAMILSELVI J.

JRS

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