



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

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

CRP No. 2758 of 2026

AND

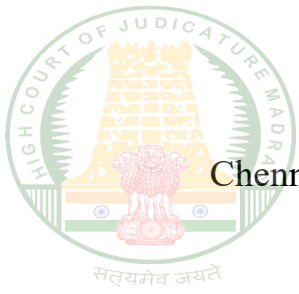
CMP NO. 11416 OF 2026

C.Visalakshi
W/o. B.S. Chandrasekar,
Plot No.19, 3rd Cross St,
Babu Nagar. Pattabiram,
Chennai 072.

..Petitioner(s)

Vs

1. L.R.Bharathi
W/o. L.G. Ravi,
Gurunath Street,
Paneer Nagar,
Mogapair,
Chennai 37.
2. D. Sagariya
S/o. V. Daniel,
No.8, Bajanai Koil St,
Thandurai Village,
Pattabiram,
Chennai 72.
3. V. Amudha
W/o. P. Vasu,
O.No.12, N.No.47,
Bajanai Koil St,
Ramanathandalam Village,
Moonavedu Post,
Thiruvallur Taluk 602 201.
4. G.N. Guhan
S/o. V.G. Natarajan,
Plot No.20, 3rd Cross St,
Babu Nagar,
Pattabiram,



Chennai 72.

CRP No. 2758 of 2



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CMP No. 11416 of 2026

..Respondent(s)

C.Visalakshi
W/o. B.S. Chandrasekar,
Plot No.19, 3rd Cross St,
Babu Nagar. Pattabiram,
Chennai 072.

..Appellant(s)

Vs

1. L.R.Bharathi
W/o. L.G. Ravi,
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2. D. Sagariya
S/o. V. Daniel,
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Chennai 72.
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Thiruvallur Taluk 602 201.
4. G.N. Guhan
S/o. V.G. Natarajan,
Plot No.20, 3rd Cross St,
Babu Nagar,
Pattabiram,
Chennai 72.

..Respondent(s)

**CRP No. 2758 of 2026**

To set aside the order dated 16.04.2026 made in IA No.2 of 2024 in OS No.252 of 2023 on the file of the Additional District Munsif Court, Poonamallee and allow this CRP.

CMP No. 11416 of 2026

To stay all further proceedings of the order dated 16.04.2026 made in IA No.2 of 2024 in OS No.252 of 2023 on the file of the Additional District Munsif Court, Poonamallee pending disposal of the above CRP.

CRP No. 2758 of 2026

For Petitioner(s): MR.Jeremiah Gregory John

For Respondent(s):

Order

The Revision Petitioner/Defendant challenges the impugned order passed by the learned Trial Judge in I.A. No. 2 of 2024 in OS.No.252 of 2023, whereby an Advocate Commissioner has been appointed at the instance of the plaintiff.

2. The learned counsel for the petitioner would submit that the suit is one for declaration and permanent injunction, and the burden is on the plaintiff to establish his case by letting in proper evidence. It is contended that the appointment of an Advocate Commissioner to measure the property and note the alleged encroachment, at this stage, amounts to collection of evidence on behalf of the plaintiff, which is impermissible in law.



T.V.THAMILSELVI J.

JRS

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3. It is further submitted that the Trial Court, without properly considering the objections raised by the defendant, has erroneously allowed the application. Prima facie, this Court finds that the contention raised requires consideration.

4. Admit. Notice.

5. Issue notice to the respondent returnable by 16.07.2026.

6. In the meantime, there shall be an interim stay of all further proceedings pursuant to the impugned order in I.A. No. 2 of 2024 in OS No.252 of 2023 on the file of the Additional District Munsif Court, Poonamallee.

7. Post the matter on 16.07.2026.

29-04-2026

JRS

To

The Additional District Munsif Court, Poonamallee.

**CRP No. 2758 of 2026
AND
CMP NO. 11416 OF 2026**