



CRP No. 2544 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 2544 of 2025
AND
CMP NO. 14510 OF 2025**

Mahalakshmi

..Petitioner

Vs

Balasubramaniam

..Respondent

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and final order dated 23.09.2024 passed in I.A.No.3 of 2023 in O.S.No.303 of 2022 on the file of District Munsif Court, Dharapuram, Tiruppur District and allow the above Civil Revision Petition.

For Petitioner:

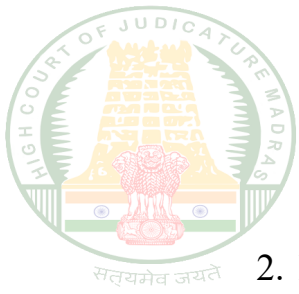
Mr.P.Navaneetha Krishnan

For Respondent:

No appearance

ORDER

This Civil Revision Petition has been filed challenging the impugned order dated 23.09.2024 passed by the District Munsif Court, Dharapuram, Tiruppur District in I.A.No.3 of 2023 in O.S.No.303 of 2022.

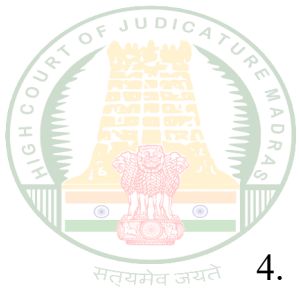


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2. In the aforesaid order, the application filed by the petitioner/plaintiff seeking appointment of an Advocate Commissioner along with a Surveyor and measure the property and thereafter, submit a report, has been partly allowed. Though the petitioner in I.A.No.3 of 2023 sought appointment of an Advocate Commissioner along with Surveyor for the purpose of measurement of the suit schedule property, the trial court under the impugned order has only appointed an Advocate Commissioner and the Surveyor has not been appointed.

3. According to the petitioner, only if a Surveyor is appointed the actual measurement of the suit schedule property and its correct boundaries can be ascertained. The suit has been filed for permanent injunction to restrain the respondent/defendant from interfering with the peaceful possession and enjoyment of the suit schedule property by the petitioner. The trial court under the impugned order has held that the appointment of a Surveyor is unnecessary. This Court is of the considered view that no prejudice will be caused, if a Surveyor accompanies the Advocate Commissioner for the purpose of measuring the suit schedule property in order to get the actual measurement of the suit schedule property and for ascertaining the correct boundaries.



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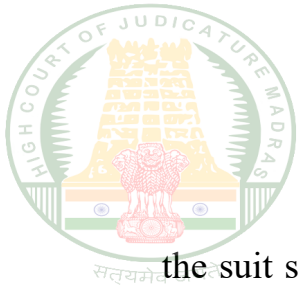
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4. Learned counsel for the petitioner also submits that Surveyor is required to be appointed to measure the suit schedule property correctly and to note down the correct boundaries for the purpose of effective adjudication of the suit. The case of the petitioner is that the respondent is an encroacher interfering with the petitioner's peaceful possession and enjoyment of the suit schedule property.

5. As observed earlier, no prejudice would be caused to any of the parties, if a Surveyor accompanies the Advocate Commissioner to measure the suit schedule property and to note down the boundaries of the suit schedule property.

6. The respondent has been duly served with the notice in this revision and the name of the respondent is also printed in the cause-list today.

7. For the foregoing reasons, this Civil Revision Petition is disposed of by directing the Advocate Commissioner appointed by the trial court to seek assistance of the Surveyor and thereafter, measure the suit schedule property with the assistance of the said Surveyor and also note down the boundaries of

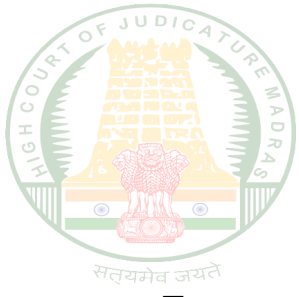


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the suit schedule property and thereafter, submit a report to the District Munsif Court, Dharapuram, Tiruppur District in terms of the directions issued by the trial court under the impugned order passed in I.A.No.3 of 2023 in O.S.No.303 of 2022. The Advocate Commissioner shall submit a report before the trial court, within a period of eight (8) weeks from the date of receipt of a copy of this order. Learned counsel for the petitioner is directed to communicate this order to the Advocate Commissioner as well as the respondent. No costs. Consequently, the connected miscellaneous petition is closed.

16-07-2026

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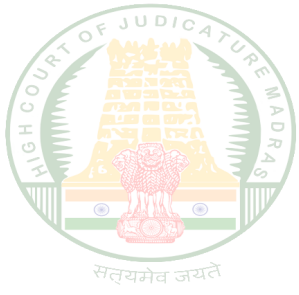


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To

The District Munsif Court, Dharapuram,
Tiruppur District.



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ABDUL QUDDHOSE J.

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