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C.R.P.No.735 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.02.2026

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.735 of 2026
and CMP.No.3844 of 2026

1.Mathew Oommen
2.Phebe Mathe

... Petitioners

vs.

1.Dr.P.G.Santhosh Kumar
2.Chitrakala

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and final order dated 06.08.2025 passed by the III Additional District Munsif, Coimbatore in I.A.No.3 of 2025 in O.S.No.238 of 2025.

For Petitioners : Mr.L.Mouli
For Respondents :Mr.P.R.Ramesh Babu

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court appointing Advocate Commissioner to note down the physical features.



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2. The respondents herein filed a suit for bare injunction against the petitioners. Pending the suit, the respondents filed an application seeking appointment of Advocate Commissioner to note down the physical features. According to the respondents, there is a disputed pathway on the west of the property purchased by the defendants. The petitioners/defendants denied the very presence of the pathway in the counter filed to the present application. It was categorically averred by the petitioners that there is no pathway in existence as claimed by the respondents. Therefore, it is clear, there is a dispute with regard to the existence of pathway on the western side of the property purchased by the defendants. The existence or otherwise of the pathway could be found out only by appointing an Advocate Commissioner to note down the physical features.

3. The report of the Advocate Commissioner certainly will help the Court to decide the dispute between the parties in a comprehensive way. The trial Court rightly appointed Advocate Commissioner to measure the Pathway.



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4. I do not find any error in the impugned order passed by the trial

Court. Accordingly, the Civil Revision Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

16.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The III Additional District Munsif,
Coimbatore.



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S.SOUNTHAR, J.

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