

C.R.P.(MD)No. 2321 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2321 of 2022

and

C.M.P.(MD)No.11215 of 2022

1.Subramanian

2.Sivamuthu

...Petitioners

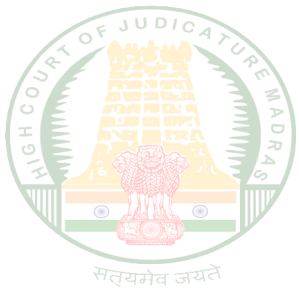
Vs.

Veluchamy

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the order dated 30.08.2022 passed in I.A.No.2 of 2022 in O.S.No.113 of 2020, on the file of the Learned District Munsif Court, Palani, Dindugal District by allowing this Civil Revision Petition.

For Petitioners : Mr.S.Karthik



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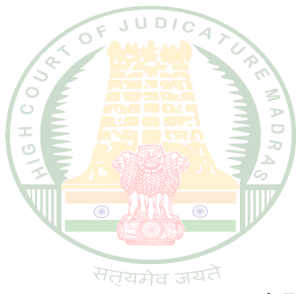
ORDER

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This petition has been filed seeking to set aside the order dated 30.08.2022 passed in I.A.No.2 of 2022 in O.S.No.113 of 2020, on the file of the Learned District Munsif Court, Palani, Dindugal District

2.Learned Counsel for the petitioners would submit that the petitioners are the defendants in O.S.No.113 of 2020. During the pendency of the suit, the petitioners filed an application in I.A.No.2 of 2022, for appointment of Advocate Commissioner to find out whether there is any pathway lying in the suit schedule property and the same was dismissed by the trial Court. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioners would submit that admittedly, the respondent filed a suit for permanent injunction as against the petitioners and the petitioners filed written statement saying that there is a common pathway leading to the suit schedule property and in view of the above, in order to find out whether pathway is running in the suit schedule property, it is necessary to appoint an Advocate Commissioner and the said request was negated by the trial Court. Accordingly, he prays for appropriate orders.



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4. Heard the learned Counsel for the petitioner.

5. Admittedly, the facts in the present case are not in dispute. The only issue that arises for consideration is whether there is existence of pathway or not. The existence of pathway can very well be canvassed before the trial Court by marking the revenue records and title deeds. Hence, there is no necessity for appointment of Advocate Commissioner. The said issue has been rightly adjudicated by the trial Court and the trial Court has rightly dismissed the petition for appointment of Advocate Commissioner filed by the petitioners. Hence, this Court finds no reason to interfere with the order of the trial Court.

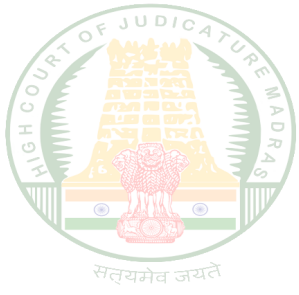
6. Accordingly, this Civil Revision Petition stands dismissed, with liberty to the petitioners to mark relevant documents before the trial Court. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

07.08.2025

Internet: Yes/No

Index: Yes/No

MR

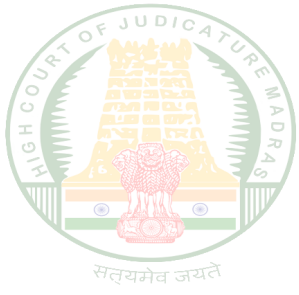


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To

- 1.The District Munsif Court,
Palani,
Dindugal District.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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