



CRP(MD). No.3939 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3939 of 2025
and CMP(MD).No.20579 of 2025s**

1.Subramani
2.Ranjitham
3.Karupaiya
4.V.Mariyappan

... Petitioners

Vs

1.Saraswathi
2.Jayamani
3.Gandhimathi

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order made in I.A.No.2 of 2023 in O.S.No.42 of 2022 on the file of the learned Principal District Munsif Court, Vendasandur, Dindigul District, dated 06.11.2025.

For Petitioners : Mr.S.Manojkumar

For Respondents : Mr.G.Gomathi Sankar

ORDER

This civil revision petition has been filed to set aside the fair and decretal order made in I.A.No.2 of 2023 in O.S.No.42 of 2022 on the file



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of the Principal District Munsif Court, Veda sandur, Dindigul District,
dated 06.11.2025.

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2.Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

3.Originally the suit was filed for declaration. The plaintiff has filed an application for appointment of an Advocate commissioner. The same was allowed. Challenging the same, the present revision has been filed.

4.The learned counsel for the petitioner submitted that the present application has been filed on the ground that the advocate commissioner was not permitted to measure the 'B' schedule property. He would further submit that the issue to be decided in the suit is, who is in possession and the same has to be proved by way of oral and documentary evidence and not by appointing an Advocate commissioner. The appointment of an Advocate Commissioner would amount to collecting evidence on behalf of the respondent.



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5.Per contra, the learned counsel for the respondent submitted that warrant was issued only to measure 'A' schedule property, since there is no scope to measure the 'B' schedule property. If the plaintiff has any objection to the commissioner report, he can file objections or raise his objection at the time of arguments. Therefore, there is no infirmity in the order passed by the trial Court.

6.This Court perused the records. This court finds no infirmity in the order passed by the trial Court. If the revision petitioner has any objection to the commissioner report, he can raise the same before the trial Court itself at the time of arguments or by filing his objections.

7.Accordingly, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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- 1.The Principal District Munsif, Vendasandur, Dindigul District.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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N.SENTHILKUMAR, J.

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