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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CRP No. 688 of 2024
and CMP No. 3514 of 2024**

1. S.R.Subramaniyan
2. S.Thenmozhi

Petitioner(s)

Vs

N.Arumugam

Respondent(s)

PRAYER Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed dated 23.02.2023 in I.A.No 6 of 2022 in I.A.No. 3 of 2022 in O.S.No. 1916 of 2022 on the file XV Assistant City Civil Court, Chennai.

For Petitioner(s): Mr.M.Sarfudeenaliahamed

For Respondent(s): No Appearance

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the fair and decreetal order dated 23.02.2023 in I.A.No 6 of 2022 in I.A.No. 3 of 2022 in O.S.No. 1916 of 2022 on the file XV Assistant City Civil Court, Chennai, wherein the application filed by the petitioners/plaintiffs under Order XXVI Rule 9 of C.P.C., for re-issuance of the



warrant to the Advocate Commissioner to measure the suit properties as per the UDR Map and to file a report, came to be dismissed by the Court below.

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2.Heard the learned counsel for the petitioner and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The petitioners are the plaintiffs. The suit was filed in O.S.No.1916 of 2022, seeking for the relief of declaration, mandatory injunction and permanent injunction. During the pendency of the suit, IA No.3 of 2022 was filed to appoint an Advocate Commissioner to measure the property with the help of the Taluk Surveyor and to file a report. This application was allowed by an order dated 11.04.2022 and the Advocate Commissioner conducted the inspection and surveyed the property with the help of the Taluk Surveyor and submitted a report.

4.The present application in I.A.No.6 of 2022 has been filed for re-issuance of the warrant on the ground that when the survey was conducted, the measurement was not done as per the UDR Map and therefore, the warrant has to be reissued to conduct the survey as per the UDR Map and to make the measurement.



5.The Court below while considering the application came to a conclusion that there was absolutely no reference to the UDR sketch or northern side street measurement in the plaint and that, for the first time, such a plea has been taken by the petitioners in the application filed in IA No.6 of 2022 for re-issuance of warrant. Hence, the Court below dismissed the application. The Court below also made it clear that the parties can adduce oral and documentary evidence during the course of trial and that the report of the Advocate Commissioner will only be another piece of evidence. The above findings rendered by the Court below does not suffer from any perversity warranting interference of this Court.

6.In the result, this Civil Revision Petition stands dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

19-08-2026

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



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N.ANAND VENKATESH J.

SSR

To

The XV Assistant City Civil Court, Chennai.

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