



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 2103 of 2026

AND

CMP NO. 9266 OF 2026

1. Sadaiyan

Petitioner(s)

Vs

1. Ravi

2. Raja

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the impugned order dated 16.12.2025 passed in I.A.No.4 of 2024 in O.S.No.13/2009 on the file of Additional Sub-Judge, Thiruvannamalai.

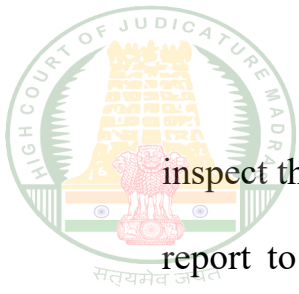
For Petitioner(s): Mr.K.Thenrajan

For Respondent(s):

ORDER

This Civil Revision Petition has been filed, challenging the impugned order dated 16.12.2025 passed by the Additional Sub Court, Tiruvannamalai, in I.A. No. 4 of 2024 in O.S. No. 13 of 2009.

2. In the aforesaid order, an Advocate Commissioner has been appointed by the Additional Sub Court and has directed the Advocate Commissioner to



inspect the suit properties with the assistance of the Head Surveyor and submit a report to the Court with regard to the physical features of the suit schedule property as well as the measurements.

3. The petitioner has filed the Civil Revision Petition on the ground that the trial Court has failed to take note of the fact that earlier the respondents/defendants had filed an application for appointment of an Advocate Commissioner, seeking for the very same relief, and the said application came to be allowed by the trial Court. But, in view of the fact that the respondents/defendants failed to pay the remuneration of the Advocate Commissioner, the Advocate Commissioner's application filed earlier came to be dismissed.

4. The petitioner has also stated that the restoration application filed by the respondents/defendants, seeking to restore the Advocate Commissioner's application, also came to be dismissed by the trial Court. Therefore, according to the learned counsel for the petitioner, the impugned order is hit by the principle of *res judicata* as per Section 11 of the CPC. The very same contention was raised by the petitioner before the trial Court. The same has been rightly rejected by the trial Court on the ground that only pursuant to the directions issued by the appellate Court, which had directed the trial Court to appoint an



Advocate Commissioner, the trial Court was constrained to appoint an Advocate Commissioner through the impugned order.

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5. Admittedly, the order of the appellate Court directing the trial Court to appoint an Advocate Commissioner has attained finality. While that be so, the contention of the petitioner that the impugned order will amount to *res judicata* is incorrect and unsustainable. Only pursuant to the directions issued by the appellate Court, the order came to be passed by the trial Court appointing the Advocate Commissioner. Therefore, the question of interfering with the impugned order through this civil revision petition does not arise.

6. The trial Court has rightly considered all the objections raised by the petitioner while passing the impugned order.

7. For the foregoing reasons, there is no merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03-07-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
The Additional Sub Court, Thiruvannamalai.



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ABDUL QUDDHOSE J.

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