



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 2571 of 2026

AND

CMP NO. 10846 OF 2026

1. J. Gandhi

2. Jayaraman

3. Indhirani

Petitioner(s)

Vs

1. R. Dakshinamoorthy

2.V. Vasantha

3.The Junior Engineer
TNEB, O and M, Guruvarajapet Village
and Post, Arakkonam Taluk, Ranipet
Dt.

4.The Assistant Divisional Engineer
TNEB, O and M Salai Village,
Arakkonam Taluk, Ranipet Dt.

5.The Superintending Engineer
TNEB, Gandhi Nagar, Katpadi, Vellore
Dt 6.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decree dated 19.12.2025 in IA No.4/2025 in OS No.19/2019 on the file of Special Subordinate Judge for LAOP Cases, Arakkonam Ranipet District and thus render justice.



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For Petitioner(s): Mr.R.Rajarajan

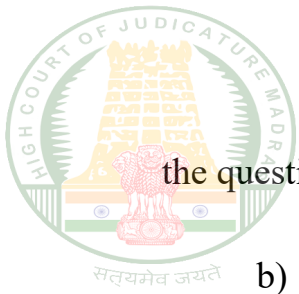
For Respondent(s): Notice dispensed with

ORDER

This Civil Revision Petition has been filed by the petitioners, who are the defendants in the suit in O.S. No. 19 of 2019 on the file of the Special Sub Court for L.A.O.P. Cases, Arakkonam, Ranipet District, challenging the impugned order dated 19.12.2025 passed in I.A. No. 4 of 2025 in O.S. No. 19 of 2019.

2. Under the aforesaid order, the application filed by the petitioners, seeking for appointment of an Advocate Commissioner to note down the physical features of the suit “A” schedule property has been dismissed. While dismissing the application, the following reasons have been given by the trial Court:

a) In I.A. No. 49 of 2022 filed by the first petitioner’s father, the first petitioner’s father had sought for appointment of an Advocate Commissioner for the very same relief, and the said application came to be dismissed by the trial Court. Despite the said application having been dismissed by the trial Court, the petitioners have once again filed I.A. No. 4 of 2025 during the trial stage seeking for the very same relief, namely, to direct the Advocate Commissioner to note down the physical features of the suit “A” schedule property. Therefore,



the question of appointing an Advocate Commissioner does not arise;

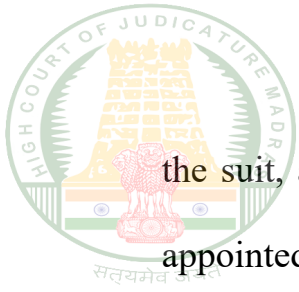
b) The Advocate Commissioner cannot be appointed to collect evidence.

The trial Court has relied upon various decisions rendered by the Madras High Court while dismissing the application filed by the petitioners, seeking for appointment of an Advocate Commissioner;

c) The learned counsel for the petitioners also does not dispute the fact that the first petitioner's father had earlier filed an application before the trial Court, seeking for the very same relief as prayed for in I.A. No. 4 of 2025. The learned counsel for the petitioners also does not dispute the fact that the earlier application filed by the first petitioner in I.A. No. 49 of 2022 also came to be dismissed.

3. Since no adverse orders are passed against the respondents, notice to the respondents is dispensed with by this Court.

4. The suit has been filed for declaration and recovery of possession by the first respondent / plaintiff. The petitioners cannot seek for appointment of an Advocate Commissioner to collect evidence. The trial Court has rightly rejected the petitioners' application through the impugned order. Only through oral and documentary evidence, the petitioners will have to substantiate the defence in



the suit, and they cannot collect evidence through an Advocate Commissioner appointed by the Court.

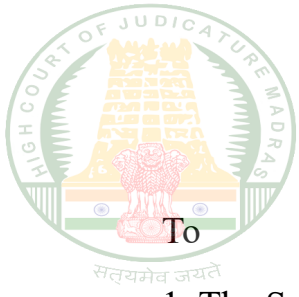
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5. The Court has also taken into consideration the fact that the application has been filed at the fag end of the trial, and an inference can be drawn by this Court that the application has been filed only to drag on the proceedings.

6. For the foregoing reasons, this Court is not inclined to interfere with the impugned order, as there is no infirmity in the same. Since there is no merit in this Civil Revision Petition, 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

1. The Special Subordinate Court for
LAOP Cases, Arakkonam, Ranipet
District.

2. The Junior Engineer
TNEB, O and M, Guruvarajapet Village
and Post, Arakkonam Taluk, Ranipet
Dt.

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