



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 1500 of 2025 AND
CMP NO. 8789 OF 2025**

Senniyappan (dead)

1. Chandramani
W/o.Senniappan, Nagapapn Thottam,
Ammapalayam Palladam Village and Taluk.
2. Shanthi
W/o.Dhanraj, Pappankadu, Poomaloor Village,
Mangalam Post, Tiruppur.
3. Mohanambal
W/o.Gunasekaran, 620/1B, 1C, Amarjothi,
Pattatharasiamman Nagar, Rakkiapalayam,
Vijayapuram, Kangeyam Road, Tiruppur.

..Petitioner(s)

Vs

Palanisamy (dead)

1. Ponnusamy
S/o.Peria Ammasai, 18/7, S.A.P. Nagar,
Mangalam Road Palladam, Tiruppur District.
2. Balamani
W/o.late Palanisamy, res at Nagappan Thottam,
Ammapalayam, Palladam Taluk, Tiruppur
District.
3. Nandhakumar
S/o.late Palanisamy, res at Nagappan Thottam,
Ammapalayam, Palladam Taluk, Tiruppur
District.
4. Mythili
D/o.late Palanisamy, res at Nagappan Thottam,
Ammapalayam, Palladam Taluk, Tiruppur
District.

..Respondent(s)



PRAYER : Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal order dated 21.02.2025 passed in IA No.5 of 2025 in OS No.59 of 2018 on the file of Sub Court, Palladam.

For Petitioner(s):

Mr.K.Govi Ganesan

Order

This Civil Revision Petition is filed challenging the Fair and Decretal order dated 21.02.2025 passed in I.A.No.5 of 2025 in OS No.59 of 2018 on the file of Sub Court, Palladam.

2. In the aforesaid order, the application filed by the petitioners / plaintiffs seeking to re-open I.A.No.19 of 2018 and to re-issue the warrant to the Advocate Commissioner to measure the suit properties with the assistance of Taluk Surveyor as per the documents of the petitioners / plaintiffs has been dismissed. Despite the fact that the learned counsel for the respondents / defendants had made an endorsement in the Court bundle that the application filed by the petitioners / plaintiffs may be allowed.

3. Since there was a discrepancy in the measurement taken by the Advocate Commissioner, the petitioners filed I.A.No.5 of 2025 to re-open I.A.No.19 of 2018 and to re-issue the warrant to the Advocate Commissioner to once again measure the suit properties with the assistance of Taluk Surveyor as per the documents of the petitioners / plaintiffs. However, the Trial Court has



dismissed the said application primarily on the ground that the application has been filed belatedly as the suit is pending for more than 12 years. The Trial Court has also observed that the application filed by the petitioners is unwarranted as it has been filed for collecting evidence. The petitioners' application viz., I.A.No.5 of 2025 has been filed not to collect evidence. It has been filed only to re-open I.A.No.19 of 2018 and for re-issuance of warrant to the Advocate Commissioner to measure the suit properties with the assistance of Taluk Surveyor as per the documents of the petitioners / plaintiffs.

4. According to the petitioners / plaintiffs, in the earlier interim report submitted by the Advocate Commissioner who was appointed in I.A.No.19 of 2018, there were several discrepancies with regard to the measurement of the suit properties. The Trial Court while dismissing the petitioners' application, failed to take note of the fact that the learned counsel for the respondents / defendants have in fact stated no objection for allowing I.A.No.5 of 2025. It has also been recorded in paragraph No.3 of the impugned order.

5. The Trial Court ought to have allowed the application filed by the petitioners / plaintiffs in I.A.No.5 of 2025. The said application was not filed to collect evidence and it was filed on the ground that there became a necessity for the petitioners/plaintiffs to file the same due to the discrepancies in the earlier report filed by the Advocate Commissioner based on the orders passed in



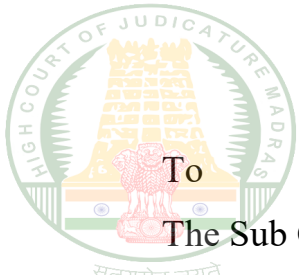
I.A.No.19 of 2018. The respondents / defendants have also stated no objection for allowing I.A.No.5 of 2025. Therefore, this Court is of the considered view that the impugned order has been passed by total non-application of mind and it is erroneous and it has to be set aside by this Court.

6. For the aforesaid reasons, the impugned order passed in I.A.No.5 of 2025 in O.S.No.59 of 2018 dated 21.02.2025, by the Sub-Court, Palladam is hereby set aside by this Court and the Civil Revision Petition is allowed. The Trial Court shall re-issue the warrant to the Advocate Commissioner appointed in I.A.No.19 of 2018 to enable him to measure the suit properties once again with the assistance of Taluk Surveyor as per the documents produced by the petitioners/ plaintiffs. No costs. Consequently, connected miscellaneous petition is closed.

27-07-2026

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

GSK



To

The Sub Court,

Palladam.

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ABDUL QUDDHOSE J.

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