



WEB COPY

CRP No. 3507 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 3507 of 2026

and

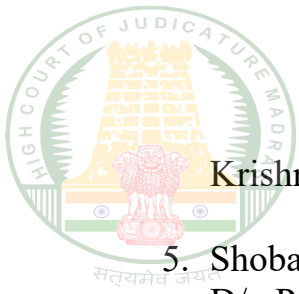
CMP.No.15321 of 2026

Nandesh
S/o Papanna,
O.Karupalli Village,
Chennathur Post,
Hosur Taluk,
Krishnagiri District

..Petitioner(s)

Vs

1. Venkatesh
S/o Late Sonappa,
Johnapanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District
2. Papanna
S/o Late.Chinappa,(Died)
O.Karapally Village,
Chennathur Post,
Hosur Taluk,
Krishnagiri District
3. Venkatamma
W/o Papanna,(Died)
O.Karapally Village,
Chennathur Post,
Hosur Taluk,
Krishnagiri District
4. Basavaraj
S/o Papanna,
O.Karapally Village,
Chennathur Post,
Hosur Taluk,



Krishnagiri District

5. Shoba

D/o Papanna,
O.Karapally Village,
Chennathur Post,
Hosur Taluk,
Krishnagiri District

6. Uma

D/o Papanna,
O.Karapally Village,
Chennathur Post,
Hosur Taluk,
Krishnagiri District

7. Bharathi

D/o Papanna,
O.Karapally Village,
Chennathur Post,
Hosur Taluk,
Krishnagiri District

8. Venktappa

S/o Sonappa,(Died)
Jonabanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District

9. Narayanappa

S/o Sonappa,
Jonabanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District

10. Jayaram

S/o Venkatappa,
Jonabanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District



11. Madesh

S/o Venkatappa,
Jonabanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District

12. Jayamma

D/o Venkatappa,
Jonabanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District

13. Yasodha

D/o Venkatappa,
Jonabanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District

14. Chinnamma

D/o Venkatappa,
Jonabanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District

15. Mahadevamma

D/o Venkatappa,
Jonabanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District

16. Lakshmanan

S/o Late Sonnappa,
Jonabanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District



17. Asmathamma
D/o Late Sonnappa,
Jonabanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District

18. Rajamma
W/o Late Sonnappa,
Jonabanda Village,
Onnalvadi Post,
Hosur Taluk,
Krishnagiri District

..Respondent(s)

Prayer:

Civil Revision Petition filed under Article 227 of Constitution of India, praying to strike off the IA.No.1 of 2023 in OS.No.129 of 2007 before the Honble Principal Subordinate Judge, Hosur.

For Petitioner(s): MR. R.Ramaguru

ORDER

Challenging the appointment of an Advocate Commissioner in I.A. No. 1 of 2023 to inspect the entire suit schedule properties (Items 1 to 45), the 4th defendant has preferred this Civil Revision Petition.

2. The learned counsel for the petitioner submitted that although the appeal challenging the preliminary decree was dismissed, the plaintiff subsequently filed a final decree application in I.A. No. 1 of 2023 in O.S. No.



129 of 2007 seeking to proceed against all properties from Items 1 to 45. It is contended that as per the preliminary decree, the suit was explicitly dismissed with respect to Items 41 to 43. Therefore, neither the plaintiff nor any other defendant is entitled to claim any share in Items 41 to 43. Despite this, the plaintiff sought to measure the entire property, which is erroneous, prompting the petitioner to raise objections.

3. Upon considering the objections and perusing the preliminary decree and judgment dated 17.06.2007 passed in O.S. No. 129 of 2007, it is seen that in paragraph 4, while deciding Issue No. 6, the trial Judge explicitly held that the preliminary decree was passed granting a 1/3rd share to the concerned sharers in respect of all items *except* Items 41 to 43. Contrary to this valid decree, the plaintiff has filed the final decree application for the entire property, including Items 41 to 43, which is legally unsustainable.

4. Therefore, the final decree proceedings are ordered to be deleted in respect of Items 41, 42, and 43. In respect of the remaining items, the Advocate Commissioner is entitled to measure the property as directed by the trial court, considering that the suit has been pending since the year 2007 as early as possible.



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T.V.THAMILSELVI, J.

mpa

5. With the above directions, this Civil Revision Petition is disposed of.

No costs. Consequently, the connected miscellaneous petition is closed.

24-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPA

Note: issue order copy on 25.06.2026.

To

1. The Principal Subordinate Judge, Hosur.

2. The Section Officer, VR section, High Court of Madras.

**CRP No. 3507 of 2026
and CMP.No.15321 of 2026**