



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3973 of 2026

1. Samiappa
2. Gundu Rao
3. N.Thippi Naidu

Aakuthotappa (Died)

4. Chennappa
5. Kanthamma
6. Chandra
7. Renuka Minor
Rep by their Natural Guardian/Mother
Rathamma
8. Vinodha (Minor)
Rep by their Natural Guardian/Mother
Rathamma

..Petitioner(s)

Vs

1. T.M.Muni Chennappa
- 2.
3. M.Chennappa

..Respondent(s)

This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to set aside the fair and decreetal order dated 02.01.2026 made in I.A.No.2 of 2019 in OS.No.226 of 2008 on the file of the Court of the District Munsif Cum Judicial Magistrate No.1, Hosur.



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For Petitioner(s):

Mr.Purujit Narayanan
for Mr.C.Parthiban

For Respondent(s):

ORDER

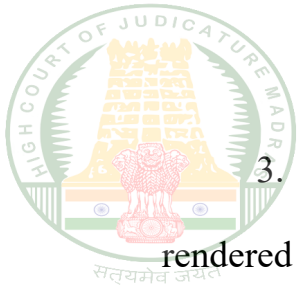
This Civil Revision Petition (CRP) has been filed challenging the impugned order dated 02.01.2026 passed by the District Munsif Cum Judicial Magistrate No.1, Hosur, in I.A.No.2 of 2019 in O.S.No.226 of 2008.

2. In the aforesaid order, the application filed by the petitioners/defendants seeking to scrap the previous Advocate Commissioner report, has been dismissed, by giving the following reasons:-

(a) The Advocate Commissioner has clearly mentioned in his report that a passage measuring 4-5 feet is running in the suit S.No.14/2A and the encroached portion is lying on the southern side of the said passage in the same survey number.

(b) Though the petitioners/defendants filed objection for the Commissioner report, they have not disputed the measurement and extent of suit Survey No.14/2A mentioned by the Advocate Commissioner in his report.

(c) Report filed by the Advocate Commissioner clearly reveals the physical features of the suit property and there is no error in the said report.



3. The learned counsel for the petitioners would dispute the findings rendered by the trial Court in the impugned order. According to him, the observation that the defendants have not disputed the measurement and extent of suit survey No.14/2A mentioned by the Advocate Commissioner in his report, is incorrect. According to him, there is an error in the previous Advocate Commissioner report.

4. The petitioners/defendants have already filed their objections to the previous Advocate Commissioner report. The objections raised by them are the objections raised before this Court through this CRP. No prejudice will be caused to any of the parties if the trial Court is directed to dispose of the main suit uninfluenced by any of the observations recorded in the impugned order. If the petitioners/defendants are of the opinion that the earlier Advocate Commissioner report is incorrect, they have a right to cross-examine the Advocate Commissioner during the time of trial. No useful purpose will be served if this Court entertains this CRP, that too, when the suit is of the year 2008, and is pending for almost 18 years.

5. For the foregoing reasons, this Civil Revision Petition is disposed of by issuing the following directions:-

- (a) The trial Court shall dispose of the suit in O.S.No.226 of 2008 uninfluenced by any of the



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observations made in the impugned order.

(b) The petitioners/defendants, if they so desire, are permitted to cross-examine the Advocate Commissioner during trial in O.S.No.226 of 2008.

No Costs. CMP.No.17380 of 2026 is closed.

21-07-2026

Neutral Citation: Yes/No
RKM



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To
District Munsif Cum Judicial Magistrate No.1,
Hosur.



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ABDUL QUDDHOSE, J.

RKM

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