



CRP No. 4129 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 4129 of 2026
AND
CMP NO. 18056 OF 2026**

1. Sarojini Srinivasan

2. B.S.Prabhakaran

3. B.S.Ravindran

..Petitioners

Vs

1. S.V.Ravichandran

2. H.B.Stella

3. G.Bharathi

4. Vasanthasena Srinivasan

..Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the Web Copy of the order dated 25.06.2026 passed in I.A.No.11 of 2026 in O.S.No.2725 of 2021 pending on the file of XVIII Additional City Civil Court, Chennai, by allowing the Revision.



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For Petitioners:

Mrs.Chitra Sampath
Senior Counsel
For Mr.T.S.Baskaran

For Respondents:

Mr.Haja Mohideen Gisti

ORDER

The petitioners, who are the plaintiffs in the suit in O.S.No.2725 of 2021 has challenged the impugned order dated 25.06.2026 passed in I.A.No.11 of 2026 in O.S.No.2725 of 2021 on the file of the XVIII Additional City Civil Court, Chennai through this Civil Revision Petition.

2. In the impugned order, an Advocate Commissioner has been appointed in an application filed by the respondents 1 to 3/defendants 1, 3 and 4 in the suit, who are the subsequent purchasers of the subject property during the pendency of the suit. There is already a direction issued by this Court in a writ petition to dispose of the suit, within a period of four months.

3. Learned Senior Counsel appearing for the petitioners also drew the attention of this Court to an earlier order passed by this Court in an



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application filed by the 1st defendant, who is the vendor of the defendants 3 and 4 seeking appointment of an Advocate Commissioner seeking a similar relief to identify the property. As seen from the said order, the application filed by the 1st defendant seeking appointment of an Advocate Commissioner has been dismissed and in the said order, a finding has been rendered by the trial court that only after trial, if required, Advocate Commissioner can be appointed to identify the property. Therefore, the learned Senior Counsel appearing for the petitioners would submit that the application filed by the defendants 1, 3 and 4 in I.A.No.11 of 2026 is not maintainable.

4. However, the learned counsel appearing for the respondents would submit that, since there is a dispute with regard to the identification of the property, it is essential for the Advocate Commissioner to inspect the property and submit a report to the trial court with regard to the identification of the property and only thereafter, the trial can commence.



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5. Since there is already a direction by the High court in a writ petition, to which, the defendants 3 and 4 were parties, that the suit will have to be disposed of within a period of four months, the necessity for the Advocate Commissioner to inspect the property even before the commencement of the trial court does not arise. The defendants 3 and 4 also cannot collect any evidence through the appointment of Advocate Commissioner.

6. No prejudice would be caused to the respondents, if the appointment of an Advocate Commissioner through the impugned order dated 25.06.2026 passed in I.A.No.11 of 2026 is kept in abeyance till the trial gets concluded in the suit in O.S.No.2725 of 2021, pending on the file of the XVIII Additional City Civil Court, Chennai.

7. This court has also taken into consideration the fact that in an earlier application filed by the 1st defendant, who is the vendor of the defendants 3 and 4 seeking the very same relief, namely the appointment of an Advocate Commissioner to identify the property, the said



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application came to be dismissed by the trial court and in the said order, it has been made clear that only after trial, if required, an Advocate Commissioner can be appointed. Admittedly, the defendants 3 and 4 have purchased the property only during the pendency of the suit. Though the defendants 3 and 4 claim that they are bonafide purchasers and they are not aware of the dispute between the petitioners and the 1st defendant, the said contention can be decided only after trial not at the interlocutory stage. Since there is already an order passed by the trial court dismissing the application seeking appointment of an Advocate Commissioner for identifying the property and in the said order, it has been made clear that only after trial, if required, the trial court may appoint an Advocate Commissioner, this Court is of the considered view that a prima facie case has been made out by the petitioners for the grant of stay of operation of the impugned order till the completion of the trial.

8. Learned counsel for the respondents has placed reliance on certain decisions of this Court. Appointment of an Advocate Commissioner depends on facts and circumstances of each case, but the



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law is well settled that an Advocate Commissioner cannot collect evidence as it is for the party to the dispute to prove his/her case through oral and documentary evidence and not through a report submitted by the Advocate Commissioner.

9. Since a prima facie case has been made out by the petitioners in view of the reasons stated supra, this Court, in the interest of justice, keeps the impugned order, dated 25.06.2026 passed in I.A.No.11 of 2026 in O.S.No.2725 of 2021 on the file of the XVIII Additional City Civil Court, Chennai in abeyance to enable the trial court to proceed with the trial and conclude the same in compliance with the direction issued by the writ court in W.P.No.41542 of 2025. However, it is made clear that if the trial court after conclusion of the trial comes to the conclusion that there is a necessity for the Advocate Commissioner appointed by the trial court through its order dated 25.06.2026 passed in I.A.No.11 of 2026 in O.S.No.2725 of 2021, which has been ordered to be kept in abeyance to inspect the property, by this Court through this revision, the trial court can exercise its discretion by directing the very same Advocate



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Commissioner to inspect the property and submit a report before pronouncement of the judgment in O.S.No.2725 of 2025, pending on the file of the XVIII Additional City Civil Court, Chennai.

10. With the aforesaid observations and directions, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

23-07-2026

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

The XVIII Additional City Civil Court,
Chennai.



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ABDUL QUDDHOSE J.

sp

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