



CRP No. 3528 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

WEB COPY

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3528 of 2025

AND

CMP NO. 19049 OF 2025

1. Aruna

2. Uma

Petitioner(s)

Vs

1. Muralikumar

2.Latha

3.Gomathi

4.Kesavi

5.K S Lekhasri

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and Decreetal order dated 23-04-2025 in I.A.No.1/2025 in I.A.No.107/2016 in O.S.No.137/2011 on the file of the Principal Subordinate Court Salem and thus render justice

For Petitioner(s): Mr.K.Selvaraj

For Respondent(s): Mr.S.P. Venkates For R1

M/s.G.Seetha for
Mr.M.Hariharan For R2 to R4

Mr.S.Sagayanathan For R5



ORDER

WEB COPY

This Civil Revision Petition has been filed, challenging the impugned order passed by the Trial Court directing the Advocate Commissioner appointed in the final decree application to be examined as a witness.

2. On the last hearing date, i.e., on 11.06.2026, the learned counsel for the petitioners submitted that the Advocate Commissioner appointed through the impugned order passed by the Trial Court is 85 years old and is unable to come to Court for his examination as a witness.

3. On the last hearing date, i.e., on 11.06.2026, the learned counsel for the respondents sought time to get instructions as to whether the Advocate Commissioner appointed by the Trial Court could be replaced by a new Advocate Commissioner.

4. Today, the learned counsel for the respondents informs this Court, on instructions, that the respondents have got no objection for replacing the Advocate Commissioner. Since the learned counsel for the petitioners, on instructions, submitted before this Court that the petitioners are not pressing for interference of the impugned order by this Court and since the Advocate



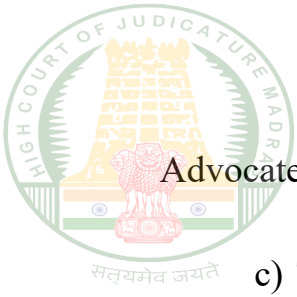
Commissioner appointed through the impugned order is 85 years old, this Court is directing the Trial Court, namely, the Principal Sub Court, Salem, to replace the Advocate Commissioner appointed in I.A. No.107 of 2016 in O.S. No.137 of 2011 by another suitable Advocate Commissioner, who shall once again execute the Advocate Commissioner's warrant as per the earlier directions issued by the Trial Court on 23.04.2025 in I.A. No.107 of 2016 in O.S. No.137 of 2011 and submit a fresh report.

5. The learned counsel for the respondents has also informed this Court that the respondents have got no objection if the earlier report submitted by the earlier Advocate Commissioner is scrapped by this Court.

6. In view of the same, the following directions are issued by this Court in this Civil Revision Petition:

a) The Trial Court, namely, the Principal Sub Court, Salem, is directed to replace the earlier Advocate Commissioner appointed in I.A. No.107 of 2016 in O.S. No.137 of 2011 by a new Advocate Commissioner. The new Advocate Commissioner shall comply with the same directions issued by the Trial Court in I.A. No.107 of 2016 in O.S. No.137 of 2011 and submit a report accordingly;

b) The Trial Court shall also fix the remuneration payable to the new



Advocate Commissioner, and the same shall be paid by the petitioners;

c) The new Advocate Commissioner to be appointed by the Trial Court shall also be examined as a witness, and the respondents are also permitted to examine him after the new Advocate Commissioner submits a report to the Trial Court;

d) Since all the parties are senior citizens, a direction is also issued to the Principal Sub Court, Salem, to dispose of I.A. No.107 of 2016 in O.S. No.137 of 2011 within a period of six months from the date of receipt of a copy of this order.

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

02-07-2026

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

To
The Principal Subordinate Court, Salem.



WEB COPY

CRP No. 3528 of 2025



ABDUL QUDDHOSE J.

ab

**CRP No. 3528 of 2025
AND CMP NO. 19049
OF 2025**

02-07-2026