



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 4538 of 2026

and

CMP No. 19951 of 2026

1. Muthukumaran. P
S/o Panneer, Res at No.56, North Street
Nathamedu Village, Kalpattu Post
Villupuram District

2. Murugavel,P
S/o Panneer, Res at No.56, North Street
Nathamedu Village, Kalpattu Post
Villupuram District

3. Murugadoss.P
S/o Panneer, Res at No.56, North Street
Nathamedu Village, Kalpattu Post
Villupuram District

Petitioner(s)

Vs

1. Ashokan
S/o Natesa Kounder, Res at Nathamedu
Village, Kalpattu Post Villupuram
District

2.Elumalai.N
S/o Natesa Kounder, Res at Nathamedu
Village, Kalpattu Post Villupuram
District

3.Kumar.R
S/o Rajendiran, Res at Nathamedu
Village, Kalpattu Post Villupuram
District

4.Manikandan.R



S/o Rajendiran, Res at Nathamedu
Village, Kalpattu Post Villupuram
District

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Order and decreetal order passed in IA.No.3 of 2025 in OS.No.114 of 2022 dated 24.06.2025 on the file of the II Additional District Munsif Court, Villupuram

For Petitioner(s): M/s.R.Sripriya

For Respondent(s): Notice dispensed with

ORDER

This Civil Revision Petition has been filed, challenging the impugned order dated 24.06.2025 passed by the II Additional District Munsif Court, Villupuram, in I.A. No.3 of 2025 in O.S. No.114 of 2022.

2. In the aforesaid order, the application filed by the petitioners/plaintiffs, seeking for appointment of an Advocate Commissioner to note down the physical features of the suit scheduled property, has been dismissed.

3. The trial Court has dismissed the said application on the ground that the petitioners/plaintiffs are attempting to collect evidence through the Advocate Commissioner.



4. The petitioners have contended before this Court that, erroneously, the aforesaid observation has been made by the trial Court. According to the petitioners, only after filing of the suit, the respondents had put up a construction unauthorizedly and, therefore, only to note down the physical features of the suit schedule property subsequent to the filing of the suit, there became a necessity for the petitioners to file an application seeking for appointment of an Advocate Commissioner.

5. Admittedly, the application was filed by the petitioners/plaintiffs only when the suit was ripe for trial. Issues have already been framed by the trial Court in the suit. If the application of the petitioners is entertained at the trial stage, the trial Court will have to reframe the issues and an opportunity will have to be given to the respondents to file additional written statement, which will only delay the disposal of the suit.

6. When this Court expressed its view to the learned counsel for the petitioners, the learned counsel for the petitioners submitted that the rights of the petitioners/plaintiffs may be protected by granting liberty to the petitioners/plaintiffs to raise all objections during the time of cross-examination of the respondents/defendants and at the time of arguments in the main suit with regard to the construction put up by the respondents, subsequent to the filing of



the suit. No prejudice will be caused to any of the parties if such a direction is issued by this Court.

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7. Since this Court, without going into the merits of the impugned order, and only on the ground that the application was filed by the petitioners/plaintiffs belatedly, that is, during the trial stage, this Court is not interfering with the impugned order, but, however, grants liberty to the petitioners/plaintiffs to raise all objections with regard to the construction put up by the respondents/defendants after the filing of the suit, during the time of cross-examination of the respondent's witness and also at the time of arguments in the main suit.

8. Since no adverse orders are passed against the respondents, notice to the respondents is dispensed with by this Court.

9. Accordingly, this civil revision petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

06-08-2026

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



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To
The II Additional District Munsif Court, Villupuram.

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ABDUL QUDDHOSE J.

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