



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.4895 of 2026

and

C.M.P.No.21381 of 2026

Palani
S/o.Ponnurangam

..Petitioner

Vs

Dinesh Babu
S/o.Padmanaban

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order passed in I.A.No.7 of 2025 in O.S.No.57 of 2019 by the District Munsif, Ponneri, Thiruvallur, dated 07.04.2026.

For Petitioner : Mr.K.Balaji

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the order passed in I.A.No.7 of 2025 in O.S.No.57 of 2019 dated 07.04.2026 by the District Munsif, Ponneri, Thiruvallur, wherein the application filed by the petitioner under Order 26 Rule 9 CPC to appoint an Advocate Commissioner to inspect the property and to file a report, came to be dismissed by the Court below.



2. Heard learned counsel for petitioner and carefully perused the materials available on record. This Court also went through the impugned order.

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3. The respondent/plaintiff has filed the suit to direct the petitioner/defendant to quit and deliver the vacant possession of the suit property after removing the structure and also for payment of damages. When the suit was pending, the petitioner filed I.A.No.7 of 2025 in O.S.No.57 of 2019 under Order 26 Rule 9 CPC for appointment of an Advocate Commissioner to inspect the property and to note down the physical features and to file a report. This application was purportedly filed on the ground that the petitioner is not running the business in the suit property and he is running the said business elsewhere and if the Advocate Commissioner visits the property and files the report, the same can be easily established.

4. The Court below dismissed the application mainly on the ground that the defendant has to prove his stand by letting in evidence and the same cannot be substituted by filing an application for appointment of Advocate Commissioner, who is expected to collect evidence for the defendant to establish his stand. This Court does not find any perversity in the order passed by the Court below warranting interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India. It is now too well settled that an Advocate Commissioner cannot be appointed for the purpose of



gathering evidence and this is exactly what the petitioner has attempted to do in this case while filing the application before the Court below. The petitioner has to independently establish his stand that has been taken in the written statement.

Accordingly, this civil revision petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

19-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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N.ANAND VENKATESH, J.

gm

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