



CRP.Nos.5194 & 5254 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition Nos.5194 & 5254 of 2026
& CMP.Nos.22620 & 22814 of 2026

S.Ramesh
S/o. Sengodan,
Near Poomalai Karadu,
Adikarai Post,
Panamarathupatty,
Salem Taluk. Salem District.

...Petitioner in
both CRPs

Vs

1. Saroja
W/o. Late Nagarajan,
Near Poomalai Karadu,
Adikarai Post,
Panamarathupatty,
Salem Taluk. Salem District.
2. Amutha
W/o. Vajravel,
D/o. Late Nagarajan,
Backside of VRL Lorry Booking Office,
Veerasamy Pudur, Kajalnaickenpatty
Post, Salem Taluk, Salem District.
3. Kavitha
W/o. Senthil Kumar,
D/o. Late Nagarajan,



CRP.Nos.5194 & 5254 of 2026

Rajaganapathinagar,
Panamarathupatty Post,
Salem Taluk and District.

4. Prabu,
S/o. Late Nagarajan, D.No.23-E1,
Rajaganapathinagar, Panamarathupatty
Post, Salem Taluk and District.

Chellammal (Died)

...Respondents in
both CRPs

PETITIONS under Article 227 of The Constitution of India
praying to set aside the fair and decretal orders dated 23.7.2026
made respectively in I.A.Nos.4 and 3 of 2025 in O.S.No.269 of 2020
on the file of the First Additional District Munsif Court, Salem, Salem
District.

For Petitioner: Mr.R.Naresh Kumar

COMMON ORDER

These civil revision petitions have been filed under Article 227
of The Constitution of India against the orders dated 23.7.2026
made respectively in I.A.Nos.4 and 3 of 2025 in O.S.No.269 of 2020
on the file of the First Additional District Munsif Court, Salem (for

_____ Page 2 of 7



WEB COPY

short, the Court below) wherein the applications filed by the defendant for scrapping the report filed by the Advocate Commissioner and for issuing a fresh warrant to some other Commissioner to visit the suit properties, note down the physical features and file a report, came to be dismissed.

2. Heard the learned counsel for the petitioner.

3. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned orders.

4. The respondents are the plaintiffs in the said suit. They filed the said suit seeking for the relief of permanent injunction and for mandatory injunction. Initially, an advocate commissioner was appointed and he also filed a report along with a plan. Subsequently, the petitioner filed I.A.No.1 of 2022 to scrap the said report of the advocate commissioner. The said interlocutory application came to be dismissed by order dated 30.1.2023.



WEB COPY

5. Once again, the petitioner filed I.A.No.2 of 2023 to reissue the warrant to the same commissioner to measure the suit properties, note down the physical features and file a report and it was allowed by the Court below. Pursuant to that, the advocate commissioner visited the suit properties and filed a report. But, the petitioner filed I.A.Nos.3 and 4 of 2025 seeking to scrap the report of the advocate commissioner filed in I.A.No.2 of 2023 and to appoint a fresh advocate commissioner to inspect and measure the suit properties. These applications came to be dismissed by the impugned common order. Aggrieved by that, the above civil revision petitions have been filed before this Court.

6. The main ground that was urged by the learned counsel for the petitioner/defendant is that the present report of the advocate commissioner is nothing but a replica of the earlier report filed, that the advocate commissioner has not properly conducted the inspection and that therefore, the report filed by the advocate commissioner is liable to be scrapped.



WEB COPY

7. In the considered view of this Court, the advocate commissioner has already inspected the suit properties and earlier, a report was filed. When the petitioner sought for scrapping that report, his request was rejected by the Court below. If the petitioner was aggrieved by that order, he should have challenged that order. Instead, the petitioner filed a fresh application for appointing the very same advocate commissioner, to whom, the warrant was reissued and he conducted one more inspection and filed a report. The petitioner now wants to scrap that report on the ground that it is a replica of the earlier report.

8. If that is so, the earlier application, which was filed by the petitioner to scrap the advocate commissioner's report and was dismissed, cannot once again be allowed to be resurrected in a different manner by filing a fresh application before the Court below.

9. The reasons assigned by the Court below while dismissing the present applications do not suffer from any perversity warranting the interference of this Court under Article 227 of The Constitution of India. The report of the advocate commissioner is



CRP.Nos.5194 & 5254 of 2026

WEB COPY

available before the Court below and if the petitioner has objections to it, he can very well submit his reply and if necessary, examine the advocate commissioner in the witness box. The report of an advocate commissioner is merely a piece of evidence for the Court below to act upon and that, by itself, does not determine the main suit.

10. In the light of the above discussions, this Court does not find any merits in the above civil revision petitions.

11. Accordingly, the above civil revision petitions are dismissed. Consequently, the connected CMPs are also dismissed.

24-08-2026

To
The First Additional District Munsif,
Salem .

RS

_____ Page 6 of 7



WEB COPY



CRP.Nos.5194 & 5254 of 2026

N.ANAND VENKATESH,J

RS

**CRP.Nos.5194 & 5254 of 2026 &
CMP.Nos.22620 & 22814 of 2026**

24-08-2026

_____ Page 7 of 7