

C.R.P(MD)No.1978 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2026

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THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1978 of 2026

and

C.M.P(MD)No.9408 of 2026

P.Angammal

.. Petitioner

Vs.

M.V.Jeyaraj

.. Respondent

PRAYER: civil revision petition filed under article 227 of the Constitution of India to call for the records of fair and executable order dated 17.03.2026 passed in U/F I.A.No.(unnumbered) /2026 in I.A.No.2 of 2022 in O.S.No.179 of 2022 on the file of the Additional District Munsif, Tirumangalam to set aside the same.

For Petitioner : Mr.S.Maheshbabu

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking re-issuance of the warrant to the Advocate Commissioner.

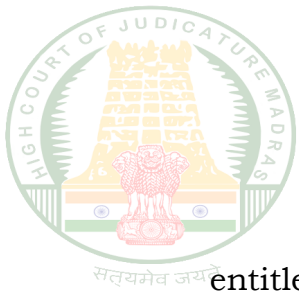


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2.The petitioner herein filed a suit seeking declaration of title and recovery of possession against the respondent. Since there was a dispute with regard to the identity of the suit property, the petitioner filed I.A.No.2 of 2026 seeking appointment of an Advocate Commissioner. The said application was ordered, and the Advocate Commissioner filed his report. Based on the said report, the petitioner filed an application for amendment of the plaint, which was also ordered. Thereafter, the petitioner filed the instant application seeking re-issuance of the warrant to the Advocate Commissioner.

3.A perusal of the affidavit filed in support of the application seeking re-issuance of the warrant to the Advocate Commissioner shows that the petitioner has not assigned any valid reason for seeking such re-issuance. In fact, it is not the case of the petitioner that there is any defect in the Advocate Commissioner's report or that, in the absence of a fresh inspection, the issues involved in the suit cannot be effectively adjudicated. On the contrary, having accepted the Advocate Commissioner's report, the petitioner filed an application for amendment of the plaint, which was also allowed. The only reason assigned in the affidavit is that the trial Court has framed issues with regard to the plaintiff's right over the suit schedule property and his



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entitlement to seek recovery of possession. The said reason is not acceptable for re-issuance of the warrant to the Advocate Commissioner, particularly when the petitioner has failed to point out any defect or infirmity in the Commissioner's report.

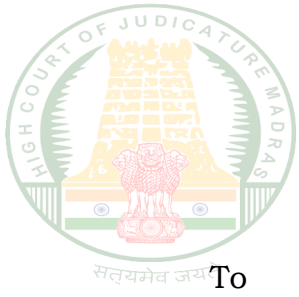
4.In the impugned order, the trial Court dismissed the application on the ground that the petitioner had quoted wrong provision of law. Mere mentioning of a wrong provision of law cannot, by itself, be a ground to dismiss an application. Therefore, this Court is not inclined to accept the reason assigned by the trial Court for dismissing the application. However, in the light of the averments made in the affidavit filed in support of the application seeking re-issuance of the warrant, this Court is unable to accede to the request made by the petitioner. Therefore, this Court finds no valid reason to interfere with the impugned order.

5.Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

24.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn

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To

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- 1.The Additional District Munsif, Tirumangalam.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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