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C.R.P.No.1085 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

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THE HON'BLE Mr. JUSTICE P.B.BALAJI

**C.R.P.No.1085 of 2024  
and CMP.No.5648 of 2024**

1.S.Sarath Chendiran  
2.S.Sathya

...Petitioners

Vs.

K.Selvaraj

...Respondent

**Prayer** :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 04.11.2023 in I.A.No.1360 of 2022 in I.A.No.1007 of 2022 in O.S.No.296 of 2022 on the file of District Munsif Court, Udumalpet allow the Civil Revision Petition with costs.

For Petitioners : Mr.A.Sivaji

For Respondent : M/s.Preethikaa  
for Mr.D.R.Arun Kumar



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**ORDER**

Heard the learned counsel for the petitioners and the learned counsel for the respondent.

2. The revision petitioners are the defendants in O.S.No.296 of 2022. At the time of filing the suit, an Interlocutory Application was also filed seeking the appointment of an Advocate Commissioner and the Trial Court found it appropriate to appoint an Advocate Commissioner, ex-parte to inspect the suit property and submit a report.

3. It is the contention of the learned counsel for the Revision Petitioners that they were not put on notice about the appointment of Advocate Commissioner and the Advocate Commissioner has been misled by the plaintiff, resulting in a false and misleading report being filed by the Advocate Commissioner.



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4. I have gone through the affidavit filed in support of the application seeking re-issuance of warrant to the Advocate Commissioner, as well as the order challenged in the present revision petition. The Trial Court has considered the objections raised by the revision petitioners and clearly found that it is for the the parties to prove their respective contentions during Trial. The re-issuance of the warrant of the Advocate Commissioner is not permissible solely for the purpose of assisting the defense case of the revision petitioners. However, in view of the fact that the Advocate Commissioner was not even directed to issue notice of inspection to the revision petitioners, I am inclined to dispose of the revision in the manner following:

(i) The dismissal of I.A.No.1360 of 2022 by the Trial Court is confirmed.

(ii) The revision petitioners are entitled to file their objections to the Advocate Commissioner's report, if not already filed, within a period of two weeks from the date of receipt of a copy of this order.

(iii) If so advised, the revision petitioners may file an application seeking the cross-examination of the Advocate Commissioner, who has



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already submitted the report before the Trial Court. If such an application is filed after the completion of evidence by the parties, the Trial Court shall permit cross-examination of the Advocate Commissioner.

(iv) Thereafter, if the Trial Court considers it appropriate to reissue the warrant to the Advocate Commissioner in light of the evidence adduced by the parties, it shall be at liberty to do so, in its discretion.

5. This Civil Revision is dismissed with the above directions.

No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**25.08.2025**

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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To

The District Munsif Court, Udumalpet.



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**P.B.BALAJI. J.**

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**25.08.2025**