



C.R.P.No.1511 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :17.06.2025

CORAM:

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

CRP No.1511 of 2024 and CMP No.8172 of 2024

H.Rani

... Petitioner

VS

Poongani

... Respondent

Civil Revision Petition filed under Section 227 of Civil Procedure Code against the order and decreetal order dated 10.01.2024 made in I.A.No.1226 of 2023 in O.S.No.30 of 2019 on the file of District Munsif, Vanur.

For Petitioner : Mr.R.Agilesh

For Respondent : No appearance

ORDER

The respondent, despite service of notice and having engaged a counsel, has not chosen to defend the revision. Hence, the respondent is called absent and set exparte. I have proceeded to hear Mr.R.Agilesh, learned counsel for the revision petitioner.

2. Learned counsel for the petitioner would state that the trial Court



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has erroneously dismissed the application, seeking appointment of Advocate Commissioner arbitrarily and unilaterally holding that similar application had been taken up by the petitioner in a totally independent suit and the said Report can be summoned and filed in the present proceedings.

3. I have gone through the order under challenge.

4. The respondent has not taken the said plea that the Commissioner has already been appointed and that a Report along with Surveyor System has been filed in a different suit. The trial court, on its own motion, has put this against the revision petitioner and proceeded to dismiss the application.

5. Admittedly, the said suit, in which, the Advocate Commissioner has been appointed, has nothing to do with the present suit. Parties are also not same. Mere fact that Advocate Commissioner was appointed in a different suit cannot be a ground to reject the application, seeking appointment of Advocate Commissioner in an independent suit filed on totally different cause of action. The findings of the trial Court are clearly perverse and liable to be set aside.



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6. Accordingly, the order passed by the District Munsif, Vanur in I.A.No.1226 of 2023 in O.S.No.30 of 2019 dated 10.01.2024 is hereby set aside and the civil revision petition is allowed.

7. The trial Court shall proceed to appoint Advocate Commissioner to inspect the property taking the assistance of local Taluk Surveyor after putting notice on the defendant.

No costs. Consequently, connected miscellaneous petition is closed.

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Index:yes/no

Website:yes/no

Speaking order/Non-speaking order

To

The District Munsif, Vanur.

P.B.BALAJI.,J.



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