



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.2155 of 2025
& CMP.No.12647 of 2025

Eliya S.Santha

... Petitioner

Vs.

1.Kannudaiya Ravichandran
2.Valanjiya Ambika
3.Kannudaiya Sathishkumar

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 20.12.2024 made in I.A.No.3 of 2023 in O.S.No.642 of 2023 on the file of the Additional Subordinate Court, Namakkal.

For Petitioner : Mr.T.L.Thirumalaisamy

For Respondents : K.Muralikumar for RR 1 & 3
No appearance for R2

ORDER

The Civil Revision Petition has been filed to set aside the fair and decreetal order dated 20.12.2024 made in I.A.No.3 of 2023 in O.S.No.642 of 2023 on the file of the Additional Subordinate Court, Namakkal.

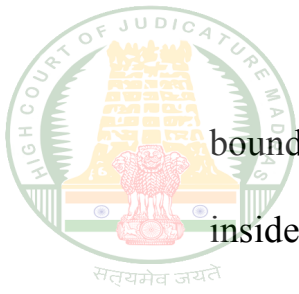


2. Heard Mr.T.L.Thirumalaisamy, learned counsel for the petitioner and Mr.K.Muralikumar, learned counsel for the respondents 1 and 3.

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3.The learned counsel for the petitioner states that the Advocate Commissioner application in I.A.No.3 of 2023 was filed along with the suit. However, it was decided much later in December 2024. According to the learned counsel for the revision petitioner, the purpose of Advocate Commissioner being sought for was to determine the four boundaries in the suit property and find out as to whether the building is falling within the said four boundaries.

4.The said application was resisted by the respondents on the ground that the suit itself is an attempt at re-litigation and in the earlier proceedings, the matter has attained finality and the suit is barred by *res judicata*. The Trial Court, on enquiry, found that the reliefs that are sought for in the suit are only pertaining to declaration of the right of the plaintiff and for injunction to restrain the defendants from interfering with the plaintiff's peaceful possession and for declaration that the purchase made by the defendants is null and void. The Trial has therefore found that there was no necessity for appointing an Advocate Commissioner to identify the four



boundaries and also find out the existence of the house building being inside the said four boundaries or outside.

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5.From a reading of the plaint and the written statement, I do not see any requirement for an Advocate Commissioner to make a local investigation and file a report, which would be of assistance to the Court in deciding the issues that arise for consideration. The Trial Court has rightly found that based on the documentary evidence alone, the issues will have to be tested and decided and there is no requirement to appoint an Advocate Commissioner. I do not see any illegality or perversity in the findings arrived at by the Trial Court dismissing the application.

6.In view of the above, the Civil Revision Petition is dismissed. There shall be no order as to costs. Connected Civil Miscellaneous Petition is dismissed.

30.07.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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P.B. BALAJI,J.

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To

The Additional Subordinate Court, Namakkal.

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