



CRP No. 3426 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2025

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CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRP No. 3426 of 2025 & C.M.P.No.18694 of 2025

1. J. Valarmathi

W/o. Jayavel, Arthanari Gounder Street,
Meyyanoor Salem-4.

Petitioner(s)

Vs

1. SAROJA

W/o. Thandavan, Ram Bazaar Road,
Salem-4.

Respondent(s)

PRAYER Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decreetal order dated 05.06.2024 made in REA No.16 of 2024 in REA No.4 of 2022 in REP No.584 of 2007 in OS No.1695 of 1996 passed by the II Additional District Munsif Court, Salem and allow this CRP.

For Petitioner : Mr.D.Gopinathan

**ORDER**

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Challenge has been made to the Order of dismissal of the application filed by the revision petitioner to scrap the report of the Advocate Commission filed in the Final Decree proceedings, in the present Civil Revision Petition.

2. The suit in O.S.No.1695 of 1996 has been filed by the respondent / plaintiff for specific performance. The suit has been decreed on 20.06.2002 in favour of the plaintiff for specific performance in respect of 3 cents. Thereafter, an execution petition has been filed in E.P.No.584 of 2007. When the warrant was issued to deliver the property, as there is more than 3 cents, an Advocate Commissioner has been appointed at the instance of the petitioner to visit the suit property. When the Advocate Commissioner visited the suit property along with the surveyor and revenue officials to measure the property as per the revenue records, it appears that the revision petitioner purposely evaded to be present in the suit property and filed a memo stating that he is suffering from chest pain, therefore, sought an adjournment. However, the Advocate



Commissioner with the help of the surveyor and revenue officials measured the property as per the revenue records and filed a report. Thereafter, an application has been taken out by the revision petitioner to scrap the report of the Advocate Commissioner on the ground that the Advocate Commissioner inspected the property in the absence of the petitioner. The trial Court dismissed the said application. Challenging the same, the present Civil Revision Petition has been filed.

3. A perusal of the Order of the trial Court indicate that the absence of the petitioner during the visit of the Advocate Commissioner is not bonafide, He purposely refrained himself to be present only in order to avoid the matter being adjudicated. The judgment has been passed as early as on 20.06.2002. Even after more than 23 years, the decree holder could not enjoy the fruits of the decree, in one way or other due to various applications filed by the revision petitioner. As the revision petitioner purposely refrained himself from being present when the Advocate Commissioner visited the property along with revenue officials and measured the property as per the revenue records, the trial



Court has rightly dismissed the application. Hence, I do not find any merits in this Civil Revision Petition.

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4. Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

05-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To,

The Additional District Munsif,
Salem.



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N.SATHISH KUMAR J.

vrc

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