



CRP.No.5448 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5448 of 2025 and
CMP.No.27380 of 2025

Kalaiselvi

... Petitioner

Vs.

1. Sekaran
2. Dhakshinamoorthi
3. Mathivanan
4. Elangovan
5. Chidambaram
6. Neela @ Neelavathy
7. Rajendiran

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India,
praying to set aside the dismissal order and decretal order dated 10.07.2025
passed in IA No.1 of 2025 in OS No.35/2017 by Learned Subordinate Judge,
Tiruvarur.

For Petitioner

: M/s.P.Sampath Kumar

**ORDER**

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The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking appointment of fresh Advocate Commissioner for re-measurement of the suit property.

2. The respondents herein filed a suit for recovery of possession of 935 sq. feet of land as described in the plaint. At the instance of plaintiffs, Advocate Commissioner was appointed and he filed a report along with the report of the surveyor. Based on the surveyor's report, the plaintiffs filed an application for amendment of the plaint and the plaint was also amended mentioning the extent of the encroached portion as 775 sq. feet. The earlier Advocate Commissioner's report was filed in the Trial Court on 21-12-2020. The petitioner herein filed his objection to the Advocate Commissioner's report. However, he has not taken any steps to file application seeking appointment of fresh Advocate Commissioner for re-measurement of the suit property. The instant application has been filed nearly after 5 years that too after plaintiffs acted on the report of the surveyor and amended their plaint with regard to the extent. In the instant



application, it is stated by the petitioner that there is a discrepancy between the extent mentioned by the Advocate Commissioner and the extent of the encroached portion mentioned by the surveyor.

3. A perusal of the Advocate Commissioner's report would suggest that he has not mentioned the extent in his report. He only stated that the encroached portion has been shown in the surveyor's report and plan with measurement. The surveyor in his report mentioned that the extent of the encroached portion is 0.00.72 ares. Therefore, the main reasoning given by the petitioner seeking appointment of fresh advocate commissioner is not acceptable to this court. Further, if the petitioner has not aggrieved any grievance with the earlier, he should have filed application immediately after filing of the report before the court. In the case on hand, based on the report, plaintiffs were also allowed to amend the plaint. Now, belatedly, the application has been filed by the petitioner and the reasoning mentioned by him in the affidavit is also not acceptable to this court. Therefore, I do not find any error in the impugned order passed by the trial court. Accordingly, the Civil Revision petition stands dismissed.



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4. The petitioner has already filed his objection before the Trial Court. It is always open to him to examine the Advocate Commissioner or the Surveyor if so advised and advance his arguments at the time of final disposal. No costs. Consequently, the connected miscellaneous petition is closed.

07.11.2025

Index : Yes / No
Internet : Yes / No
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To
The Sub-Ordinate Judge, Tiruvarur.

S.SOUNTHAR, J.

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