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CRP Nos.6142, 6143 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP Nos. 6142 and 6143 of 2025 and
CMP No.30150 of 2025**

1. A.Gajalakshmi
W/o.Anantharamakrishnan,
D.No.2/358, Indira Gandhi Street, (Old
Pillaiyar Koil Street), Pudhupakkam,
Vandalur Taluk,
Chengalpattu District 631 502

Petitioner(s)

Vs

1. SUJATHA
W/o.Sridharan @ Stephen, Indira
Gandhi Street, (Old Pillatyar Koil
Street), Pudhupakkam, Vandalur Taluk,
Chengalpattu District 631 502

2.Anbhu
S/o. Subbramani, Indira Gandhi Street,
(Old Pillatyar Koil Street),
Pudhupakkam, Vandalur Taluk,
Chengalpattu District 631 502

Respondent(s)

PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India to set aside the Fair and Decretal order dated 20.09.2025 made in IA No.7 and 8 of 2025 in OS No.323 of 2013 on File of District Munsif Court at Chengalpattu by allowing the CRPs.



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For Petitioner(s): Mr.S.Anburaja

For Respondent(s): Mr.S. Pon Jegannathan for R1

COMMON ORDER

These two civil revision petitions are filed, challenging the common order passed by the Trial Court, dismissing the applications filed by the petitioner/plaintiff seeking to scrape the earlier report filed by the Advocate Commissioner and to appoint fresh advocate Commissioner.

2. The petitioner herein/plaintiff filed a suit in O.S.No.323 of 2013 seeking declaration declaring that the suit B schedule property is a common passage for both plaintiff and defendants and also for other consequential reliefs. Pending suit, at the instance of the petitioner/plaintiff, an Advocate Commissioner was appointed to note down the physical features and to measure the suit property with the help of surveyor. The Advocate commissioner filed a report along with the plan of the surveyor. The petitioner filed her objection to the report filed by the Advocate Commissioner, wherein, it was stated that the Advocate Commissioner failed to note down the measurements in his plan and also failed to note down certain physical features, like existence of the road on the eastern side of the respective parties. Thereafter, the instant application has been filed by the petitioner seeking to scrap the earlier commissioner's report and for appointment of fresh Advocate Commissioner. The said applications



were dismissed by the Trial Court, Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner would submit that the Advocate Commissioner failed to note down the existence of the road on eastern side of the respective parties and also failed to note down the measurements in the plan filed by him. Therefore, the earlier Advocate Commissioner's report is not at all useful to decide the controversy involved in the suit and hence, a fresh Advocate Commissioner shall be appointed to note down the physical features and to measure the same.

4. The learned counsel for the first respondent by producing the surveyor plan filed along with the surveyor report submitted that the exact measurement of the properties are mentioned by the surveyor and therefore, there is no necessity to scrape the Advocate Commissioner's report and to appoint a fresh Advocate Commissioner.

5. A perusal of the surveyor plan produced before this court would indicate that he has given measurement of the properties owned by both the parties. Therefore, the first objection raised by the petitioner that the Advocate Commissioner failed to note down the measurements in his plan is not at all acceptable to this court, when he filed the surveyor plan along with his report.



CRP Nos.6142, 6143 of 2025

6. As far as the second objection is concerned, it is the case of the petitioner that the existence of the road on eastern side of the property belonged to respective parties have not been noted by the Commissioner. If the petitioner has got grievance with regard to the non mentioning of physical features by the Advocate Commissioner, for that alone, the report of the Advocate Commissioner need not be scraped and there is no necessity to appoint a fresh Advocate Commissioner also. The Trial Court can re-issue the warrant to the same Advocate Commissioner, directing him to conduct local inspection of the properties belonged to both the parties and again file a supplementary report.

7. In view of the above, the Trial Court is directed to re-issue the warrant to the very same Advocate Commissioner to visit the suit property in the presence of both the parties and to file a report mentioning the physical features of properties, noted down at the time of inspection.

8. With the above modification, this civil revision petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

02.12.2025

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Index: Yes/No
Neutral citation: Yes/no
MST



To

The District Munsif, Chengalpattu.

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CRP Nos.6142, 6143 of 2025



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S.SOUNTHAR, J.

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