



CRP.No.6255 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.6255 of 2025 and
CMP.No.30962 of 2025

R.Nalini

... Petitioner

Vs.

K.Gajalakshmi

...Respondent

PRAYER : Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the order dated 16.09.2025 passed in I.A. No. 3 of 2021 in OS.No. 378 of 2019 pending before the Additional District Judge, Chengalpattu.

For Petitioner

: M/s.S.C.Vishwanth

ORDER

The civil revision petition is filed challenging the order passed by the Trial Court appointing Advocate Commissioner to inspect the suit property along with PWD Engineer and note down the nature of construction work, the cost of the construction work and other physical features.



2. The respondent/plaintiff filed a suit seeking recovery of Rs.38,23,500/- from the petitioner/defendant based on construction agreement.

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3. According to the respondent, there was a construction agreement between her and petitioner on 19.06.2011 for construction of building with an extent of 2465 Sq.feet at the rate of Rs.1000/- per Square feet. It is further stated by the respondent that total cost of construction done by the respondent was Rs.47,23,500/- and the petitioner only paid a sum of Rs.9,00,000/-. Therefore, the suit was laid for recovery of the balance amount.

4. Pending suit, the application has been filed by the respondent seeking appointment of Advocate Commissioner to ascertain the nature of the construction work and the cost of the construction with the help of Engineer. The said application was allowed by the Trial Court. Aggrieved by the same, the petitioner/defendant has come before this Court.

5. The learned counsel for the petitioner submitted that even according to the case of the respondent the petitioner entered premises and he has been in possession and enjoyment of the same and therefore, the appointment of



Advocate Commissioner to note down the physical features and to ascertain the cost of the construction with the help of Engineer is not at all necessary.

The learned counsel further submitted that petitioner has made further construction in the suit property and therefore, appointment of Advocate Commissioner at this stage will not be helpful to decide the controversy involved in the suit.

6. A perusal of the written statement and the counter filed by the petitioner to the application filed by the respondent seeking appointment of Advocate Commissioner would indicate that nowhere in his pleadings it was stated by him that he had put up further construction after entering the suit premises. In such circumstances, the oral submission made by the learned counsel for the petitioner regarding the further construction cannot be accepted.

7. Having regard to the controversy involved in the suit with regard to the construction, it is just and necessary to ascertain the value of the construction work done by the respondent. Therefore, the report of the Advocate Commissioner with the help of Engineer will certainly help the



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Court to decide the controversy in a comprehensive way. The Trial Court appreciated the position and rightly allowed the application. I do not find any error in the order impugned in this revision. Accordingly, the civil revision petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

09.12.2025

Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes/No
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To

The Additional District Judge, Chengalpattu.



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