



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.1999 of 2021

and

C.M.P.(MD).No.10764 of 2021

1.Panneerselvam

2.Srinivasan

...Petitioners

Vs.

1.Koothan

2.Kailasam

3.Periyal

4.Valli

5.Chinnathami

6.Adaikalam

7.Anand

8.Kailasam

9.Tahsildar,
Taluk Office,
Pudukottai.

10.The District Collector,
Collectorate,
Pudukottai.

...Respondent



PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 27.01.2020 made in I.A.No.448 of 2017 in O.S.No.123 of 2016 on the file of the District Munsif-cum-Judicial Magistrate, Thirumayam, Pudukottai District.

For Petitioners : Mr.K.Kumaravel

For R-1, R-5
and R-8 : Mr.G.Sudhaharan

For R-9 & R-8 : Mr.B.Saravanan,
Additional Government Pleader

ORDER

This Civil Revision Petition has been filed challenging the fair and decreetal order dated 27.01.2020 passed in I.A.No.448 of 2017 in O.S.No.123 of 2016 on the file of the District Munsif-cum-Judicial Magistrate Court, Thirumayam, Pudukottai District.

2. The respondents 1 to 8 herein filed a suit in O.S.No.123 of 2016 before the learned District Munsif-cum-Judicial Magistrate, Thirumayam, against the petitioners and respondent Nos.9 and 10, seeking declaration and permanent injunction in respect of an immovable property. During the pendency of the suit, the respondent Nos.1 to 8 filed an application in I.A.No.448 of 2017 under



Order XXVI Rule 9 of CPC, seeking the appointment of an Advocate Commissioner to measure the suit property with the assistance of a qualified Town Surveyor, based on the sale deed dated 03.05.1969. The trial Court allowed the said application on 27.01.2020. Aggrieved by the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioners submitted that the Advocate Commissioner was appointed without considering the documents relied upon by the petitioners and that the petitioners must be given an opportunity to submit their documents at the time of measurement. It was further submitted that appropriate directions may be issued to consider the petitioners' documents during the Commission proceedings, and liberty may be granted to file objections to the Commissioner's report if it is prejudicial to their interest.

4. The learned counsel appearing for the respondents 1, 5 and 8 submitted that he has no serious objection to the above submission made on behalf of the petitioners.

5. In view of the above, this Court is of the opinion that interest of justice would be served by permitting the petitioners to produce their documents at the time of measurement and by allowing them to raise objections to the Commissioner's report, if necessary.



6. Accordingly, this Civil Revision Petition is disposed of with a direction that the petitioners shall be permitted to submit their documents to the Advocate Commissioner at the time of measurement, and it is open to them to raise their objections, if any, to the Commissioner's report before the trial Court. No costs. Consequently the connected miscellaneous petition is closed.

04.07.2025

Internet: Yes/No

Index: Yes/No

TSG

To

- 1.The District Munsif-cum-Judicial Magistrate, Thirumayam, Pudukottai District.
- 2.Tahsildar,
Taluk Office,
Pudukottai.
- 3.The District Collector,
Collectorate,
Pudukottai.
- 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(PD).(MD)No.1999 of 2



M.DHANDAPANI, J.

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C.R.P.(PD).(MD)No.1999 of 2021

04.07.2025