



C.R.P(MD)No.2400 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **02.09.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2400 of 2025
and
C.M.P(MD)No.14372 of 2025

Govindara

... Petitioner

Vs.

1.Thangam

2.Ganesan

3.Jegan

4.Jose Jayaseelan

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, praying this Court to set aside the fair and decreetal order made in I.A.No.3 of 2022 in O.S.No.85 of 2012 on the file of the District Munsif Court, Eraniel, dated 05.08.2025 and allow the Civil Revision Petition and pass such further or other orders as this Court.

For Petitioner : Mr.C.Sankar Prakash



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ORDER

This Civil Revision Petition has been filed seeking a direction to set aside the fair and decreetal order made in I.A.No.3 of 2022 in O.S.No.85 of 2012 on the file of the District Munsif Court, Eraniel, dated 05.08.2025 and allow the Civil Revision Petition.

2. The learned Counsel appearing for the petitioner would submit that an Advocate Commissioner, who was appointed in I.A.No.384 of 2013 and the Commissioner had acted in a biased manner and had filed an interim report as well as a final report. The Commissioner had traversed beyond the scope of the pleadings in a Commission application plaint and the rough sketch annexed with the plaint and had tried to trace out imaginary facts to support the case of the respondents / plaintiffs. An objection had already been filed to the interim report and also to reject the Commissioner's interim report and to appoint a new Advocate Commissioner. The said applications were all dismissed. Thereafter, a final report had been filed after a lapse of more than eight years, for which objections are also filed by the petitioner. He would further submit



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that the Court below failed to consider all the objections raised by the petitioner and had dismissed the application and therefore, seeks interference with the orders passed by this Court.

3. I have carefully considered the submissions made by the learned Counsel appearing for the petitioner.

4. Admittedly, an application had been taken out in I.A.No.384 of 2013 to reject the interim report filed by the Advocate Commissioner and also to appoint a new Advocate Commissioner. These applications have been dismissed by the Trial Court. Thereafter, a final report had also been filed by the learned Advocate Commissioner. It is to be noted that the petitioner had not challenged order on his application seeking rejection of the interim report and therefore, in that regard, the present petition seeking also to scrap the interim report would be barred by principles of *res judicata*. It is also not disputed that the Advocate Commissioner had been prevented from executing warrant and the Court had to intervene by granting him police protection for execution of warrant. It is further to be noted that in the order impugned, the Court



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had indicated that the Advocate Commissioner was being examined in the matter and that the petitioner had also been granted liberty for cross examining the Advocate Commissioner.

5. In such view of the matter, I do not find any infirmity which necessitate interference with the order impugned in the revision petition. In fine, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

02.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The District Munsif Court,
Eraniel.



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K.KUMARESH BABU, J.

BTR

Order made in
C.R.P(MD)No.2400 of 2025

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