



C.R.P(MD).No.2139 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD).No.2139 of 2021

P.Thambidurai

... Petitioner

Vs.

- 1.Shri Viswanathaswamy Thirukovil,
Rep.by its Hereditary Trustee,
K.A.Murugappan.
- 2.The Tirunelveli City Municipal Corporation Council,
Through its Commissioner,
Tirunelveli.
- 3.The Assistant Commissioner,
Tirunelveli City Municipal Corporation Council,
Palayamkottai Zone,
Palayamkottai,
Tirunelveli.
- 4.The Superintending Engineer (Urban),
Tamil Nadu Electricity Board,
Maharaja Nagar,
Tirunelveli.
- 5.The Junior Engineer (Distribution),



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Tamil Nadu Electricity Board,
V.M.Chathiram Sub-Station,
V.M.Chathiram, Maharaja Nagar,
Tirunelveli.

... Respondents

For Petitioner : Mr.S.Gokulraj
For Respondents : Mr.T.Selvam for R1
Mr.B.Ramanathan
Standing Counsel
for R4 & R5

ORDER

The matter is listed today under the caption “for being mentioned”.

2. The learned counsel appearing for the petitioner submits that the petitioner is the first defendant in O.S.No.117 of 2019. The first respondent/plaintiff has filed an application in I.A.No.3 of 2019 under Order XXVI Rule 9 C.P.C, for appointment of Advocate Commissioner and the same was allowed and after measurement of the property, the Advocate Commissioner has also filed a report. Thereafter, the plaintiff again filed an application for reissuing the warrant for the very same Advocate Commissioner to measure the property with the help of the qualified



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Surveyor and it was allowed by the trial Court. Challenging the same, the present civil revision petition has been filed before this Court. While so, this Court, instead of quashing the subsequent order, disposed of this Civil Revision Petition by observing that *“if the petitioner herein has any grievance, he can very well file his objections to the report of the Advocate Commissioner along with revenue records before the Court below. If the objection is filed along with necessary documents, the trial Court may consider the same in accordance with law”*.

3.This Court heard the learned counsel appearing for the petitioner. Considering the fact that the second interlocutory application filed for the very same relief of appointment of the Advocate Commissioner was also granted, the plea canvassed by the learned counsel appearing for the petitioner merits acceptance. In view of the same, Paragraph Nos.6 and 7 of the order dated 02.07.2025 stands substituted with the following:-

“6. It is to be noted that initially, an application was filed in I.A.No.3 of 2019 in O.S.No.117 of 2019 for appointment of Advocate Commissioner and a report was also submitted. However, it is alleged by the first respondent/plaintiff that the



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report is contrary to the revenue records and for providing correct particulars and for measurement, the present application in I.A.No.5 of 2020 came to be filed which was allowed. However, if the first respondent/plaintiff is having any grievance, they can very well file their objections to the report of the Advocate Commissioner along with revenue records before the Court below, instead of filing another application for re-issuance of warrant for the very same Advocate Commissioner's report. Hence, the order passed in I.A.No.5 of 2020 in O.S.No.117 of 2019 dated 22.10.2021 by the Principal Sub Court, Tirunelveli, is hereby set aside and liberty is granted to the petitioner and the first respondent/plaintiff to file their objections before the Lower Court and the Lower Court may consider the same and pass appropriate orders at the time of disposal of the suit.

7. This Civil Revision Petition is allowed with the aforesaid observations. No costs. Consequently, connected miscellaneous petition is closed”

4. Registry is directed to carry out necessary corrections in the



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order dated 02.07.2025 and issue fresh order copy to the parties.

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23.10.2025

ssb

To

1. The Principal Sub Court, Tirunelveli.
2. VR Section,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J.

ssb

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