



C.R.P(MD)No.2525 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2525 of 2025
and
C.M.P.(MD).No.15037 of 2025

S.N.Ponraj

... Petitioner

Vs.

1.Vasantha

2. Rajasekar

3. Saravanan

4. Rajee @ Rajalakshmi

5. Shanmuga Prasad

6. M.S.Vaidyanathan @ Kumaran

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 24.07.2025 passed in I.A.No.3 of 2025 in O.S.No.1571 of 2021 on the file of the II Additional Sub Judge, Madurai and allow the present Civil Revision Petition.

For Petitioner : Mr.F.X.Eugene



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ORDER

This Civil Revision Petition has been filed to set aside the order dated 24.07.2025 passed in I.A.No.3 of 2025 in O.S.No.1571 of 2021 on the file of the II Additional Sub Judge, Madurai.

2. The learned Counsel for the petitioner would submit that originally the petitioner's father is a tenant in the respondent premises and there was also been an oral agreement and sale. An eviction petition under the Rent control Act had been filed, which ended up against the petitioner, against which appeal and the revision had also filed before this Court, after which the schedule building had been demolished and to note down the said fact, it is required to appoint an Advocate Commissioner or otherwise the petitioner would be put to hardship. Without noting all those facts the Court below had dismissed the Interlocutory application. Hence, he seeks indulgence of this Court to set aside the order impugned and to appoint Advocate Commissioner.



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3. Considered the submissions made by the learned Counsel for the petitioner and perused the materials available on record.

4. Admittedly, the petitioner has suffered an order of eviction which has also been affirmed by this court. Even assuming that there has been oral sale agreement with regard to the property, the same is with regard to the land in which building was standing. The building was sought to be evicted on the ground that demolition and reconstruction as the building was dilapidated. Eviction was also ordered on that ground and affirmed by this Court. Hence, the factual finding that the building was in dilapidated condition cannot be disputed. Even if the petitioner succeeds in the suit, he would be entitled to the land alone and therefore there is no necessity to appoint an Advocate Commissioner to note down the physical features.

5. Hence, I do not find any merits in the Civil Revision and accordingly this Civil Revision Revision petition is disposed of. However, considering the fact that the suit has been filed as early as in the year 2021. There shall be a direction to the learned II Additional Sub



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Judge, Madurai to dispose of the suit in O.S.No.1571 of 2021 as expeditiously as possible, but however, not later than six months from the date of receipt of a copy of this order. No order as to costs. Consequently, connected miscellaneous petition is closed.

22.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The II Additional Sub Judge,
Madurai.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.KUMARESH BABU,J.

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