



CRP(MD). No.3317 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

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1. K.Raja,
2. K.Chellapandi, ... Petitioners

Vs

Umarani,
W/o. Thangapandi, ... Respondent

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and decreetal order in IA No.5 of 2025 in O.S No.128 of 2022 on the file of the District Munsif Court, Aundipatti.

For Petitioners : Mr.C.Jeganathan,

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed in IA No.5 of 2025 in O.S No.128 of 2022 on the file of the District Munsif Court, Aundipatti.



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2. The learned counsel for the petitioners would submit that the respondent herein filed a suit for declaration that she is the absolute owner of the suit property and also for permanent injunction and other reliefs. An application was filed by the respondent for appointment of an Advocate Commissioner to note down the physical features of the suit property and the same was allowed as ex-parte and the Advocate Commissioner inspected the suit property and filed a report before the trial Court on 15.11.2024. Upon receipt of notice from the Advocate Commissioner, a request was made to the learned Advocate Commissioner not to inspect the suit property, as steps were being taken to file an application to set aside the ex-parte order. However, the Advocate Commissioner inspected the suit property and filed a report before the trial Court. An application was filed to scrap the report of the Advocate Commissioner and to appoint a new Advocate Commissioner. The said application had been dismissed. He would further submit that order keeping the petitioners ex-parte and the inspection were not been done in the presence of the petitioners or their representatives. He would submit that in spite of informing the Advocate Commissioner, the Advocate Commissioner proceeded to inspect the suit property without



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considering the objections raised by the petitioners. Hence he seeks the indulgence of this Court.

3. I have considered the rival submission made by the learned counsel appearing for the petitioners and also perused the materials available on record.

4. The primary contention of the learned counsel for the petitioners is that, in spite of a request made to the Advocate Commissioner to await orders in the application proposed to be filed to set aside the ex-parte order appointing the Advocate Commissioner, the Advocate Commissioner proceeded to inspect the property. It is the claim of the petitioners that the present Advocate Commissioner's report should be scrapped and a new Advocate Commissioner should be appointed. It is not said that no Advocate Commissioner need not to be appointed in the instant suit. Attempts have been made to point out alleged errors in the report of the Advocate Commissioner without filing objections in the manner known to law and without substantiating that the Advocate Commissioner report was erroneous.

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5. The present application to scrap the report and reissue a warrant for appointment of another Advocate Commissioner is wholly misconceived. This Court is of the view that it is merely an attempt to protract the proceedings. This Court also does not find any infirmity in the well-considered order and decree of the Court below, impugned in this petition. Accordingly, this Civil Revision Petition is dismissed. No costs.

12.11.2025

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TO

The District Munsif Court, Aundipatti.



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K.KUMARESH BABU,J

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**ORDER
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