



C.R.P.(PD)(MD)No.1794 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

C.R.P(PD)(MD)No.1794 of 2025

and

C.M.P(MD) No.9797 of 2025

1. Sumathi
2. Kumaran

Petitioners are represented  
by their Power Agent

Gopal,  
S/o. Kandasamy

... Petitioners/Petitioners/  
Plaintiffs

Vs.

Pavunammal

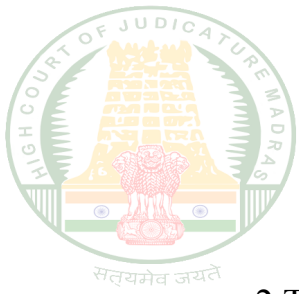
... Respondent/Respondent/  
Defendant

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 06.09.2024 passed in I.A.No.6 of 2022 in O.S.No.62 of 2017 on the file of District Munsif Court, Aundipatti.

For Petitioners : Mr.M.P.Senthil

### **ORDER**

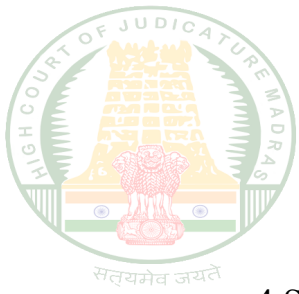
This Civil Revision Petition is filed challenging the fair and decreetal order dated 06.09.2024 made in I.A.No.6 of 2022 in O.S.No.62 of 2017 on the file of District Munsif Court, Aundipatti.



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2.The petitioner filed a suit in O.S.No.62 of 2017 for declaration, recovery of possession and for mandatory injunction. In that suit, the petitioner filed an application under Order XXVI Rule 9 and Section 151 of CPC for appointment of an Advocate Commissioner to note down the physical features of the suit property with the help of a qualified surveyor. The said application was allowed and the Commissioner has also filed his report. However, there were several discrepancies in the Commissioner's report, therefore, the petitioner filed objection. Further, the petitioner filed an application to scrap the report filed by the Advocate Commissioner and for re-issuance of Commissioner's warrant in I.A.No.6 of 2022. The said petition was dismissed. Challenging the same, the petitioner has filed the present Civil Revision Petition.

3.Though the petitioner has filed this petition to strike off the report filed by the Advocate Commissioner and though the petitioner sought for an appointment of fresh Advocate Commissioner, now he fairly submits that the petitioner shall be permitted to raise all the objections by cross examining the Advocate Commissioner and also disprove the report filed by the Advocate Commissioner by producing necessary documents at the time of trial.



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4. Since no adverse order is going to be passed as against the respondent, notice to the respondent is dispensed with.

5. Considering the limited request made by the petitioner, this Civil Revision Petition is **dismissed** with liberty to the petitioner to cross examine the Advocate Commissioner, to raise all his objections with regard to the report of the Advocate Commissioner and also to mark necessary documents to disprove the report of the Advocate Commissioner at the time of trial. No costs. Consequently, connected miscellaneous petition is closed.

**07.07.2025**

Index : Yes/No  
Internet : Yes / No  
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To

1. The District Munsif Court,  
Aundipatti.
2. The Section Officer,  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.DHANDAPANI,J.**

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