



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 657 of 2026

and

CMP.No.3554 of 2026

1. Samaya

W/o. Thirupathi, 10-2-35(1),
Thirumalaigounder Street, Elampillai
Post, Sankagiri Taluk, Salem District.

2. S. Palanisamy

S/o. Selvi, Gurukkalampalayam,
Kandarkula Manickam Village,
sankagiri Taluk, Salem District.

3. Chinnaponnu

W/o. Rajendran, Gurukkalampalayam,
Mangalam Village, Thiruchengodu
Taluk, Namakkal District.

4. P. Mahendran

S/o. Perumal, 5/737, Sathamapalayam,
Edanganasalai Village, Sankagiri Taluk,
Salem District.

Petitioner(s)

Vs

1. Chinnappan

S/o. Muniya Gounder, Res. at
Vennampatty, Selavadai Post, Omalur
Taluk, Salem District.

2.M. Rathinam

S/o. Muniya Gounder, Res. at
Vennampatty, Selavadai Post, Omalur
Taluk, Salem District.



3.N. Muniyan
S/o. Nainagounder, Res. at
Vennampatty, Selavadai Post, Omalur
Taluk, Salem District.

4.P. Velusamy
S/o. Palaniappan, Res. at Vennampatty,
Selavadai Post, Omalur Taluk, Salem
District.

5.Valliyammal
W/o. Srinivasan, 242A/4, ULCOMBAI,
Danishpet, Omalur Taluk, Salem
District.

6.Kuppayyee
W/o. Rajendran, 1-9, Malaayagounder
Street, Kunchanpalaiyam, Arasiramani,
Aalachampalaiyam, Sankagiri.

7.C. Jaganathan
S/o. Chinnappan, Vennampatty,
Selvadai Post, Omalur Taluk, Salem
District.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to
set aside the fair order dated 21.08.2025 made in I.A No.1/2023 in OS No.180
of 2020 passed by the Subordinate Court, Omalur.

For Petitioner(s): Mr.B.Jawahar

For Respondent(s):



ORDER

The petitioners have filed this Civil Revision Petition, praying to set aside the fair order dated 21.08.2025 made in I.A No.1/2023 in OS No.180 of 2020 passed by the learned Subordinate Judge, Omalur.

2. Challenging the impugned order passed by the trial Judge in I.A No.1/2023 in OS No.180 of 2020, whereby an Advocate Commissioner was appointed at the instance of the plaintiffs, the defendants have preferred this revision.

3. The learned counsel for the revision petitioners submitted that the plaintiffs have sought a declaration of title based on adverse possession. The suit is contested by the defendants. So far, three witnesses on the side of the plaintiffs have been examined. Thereafter, the plaintiffs filed an application to appoint an Advocate Commissioner to note down the physical features of the property, which is not relevant to the relief claimed in the plaint. However, the learned trial Judge failed to properly consider this aspect and erroneously appointed an Advocate Commissioner. Hence, he prayed to set aside the said order.



4. On perusal of the records, it is seen that the plaintiffs claims title based on adverse possession. It is also the contention of the plaintiffs that there exists a thatched house in the suit property, which has been denied by the defendants. Therefore, the application was filed to note down the physical features.

5. The learned counsel for the revision petitioners argued that a claim based on adverse possession does not require a Commissioner's report, and the same is wholly irrelevant.

6. However, considering the fact that the plaintiffs has asserted the existence of a house in the property, which is denied by the defendants, there is nothing wrong in appointing an Advocate Commissioner to note down the physical features. Further, in the plaint schedule, the plaintiffs has described a "Pannai Veedu" measuring about 400 sq. ft. To establish the existence of such structure, the appointment of an Advocate Commissioner is necessary.

7. Therefore, this Court is not inclined to interfere with the findings of the trial Court. Since the suit is of the year 2020, the learned trial Judge is directed to dispose of the suit as expeditiously as possible, preferably within a period of six months. The Advocate Commissioner is permitted only to note down the physical features.



8. In view of the above, this Civil Revision Petition is dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

06-04-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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- 1.The Subordinate Judge, Omalur.
- 2.The Section Officer, VR Section,
High Court of Madras.



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T.V.THAMILSELVI J.
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